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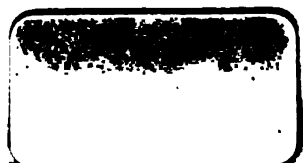
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REPORTS OF COMMITTEES

OF THE

SENATE OF THE UNITED STATES

FOR THE

FIRST AND SECOND SESSIONS OF THE FORTY-SIXTH CONGRESS,

1879-'80.

IN EIGHT VOLUMES.

Volume 1 contains Nos. 1 to 9, 1st session, and Nos. 10 to 340,
2d session, except Nos. 277 and 303, parts 1 and 2.

Volume 2 contains Nos. 277 and 303, parts 1 and 2.

Volume 3 contains Nos. 341 to 487, except No. 388.

Volume 4 contains No. 388.

Volume 5 contains Nos. 488 to 571.

Volume 6 contains Nos. 572 to 670.

Volume 7 contains Nos. 671 to 725, and 693, part 1.

Volume 8 contains No. 693, parts 2 and 3.

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IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1880.—Ordered to be printed.

Mr. SAULSBURY, from the Committee on Privileges and Elections, submitted the following

REPORT:

The Committee on Privileges and Elections, to whom was referred memorials relating to the election of Hon. John J. Ingalls, a Senator from the State of Kansas, by the legislature of that State, have had the same under consideration, and submit the following report :

The committee, under the authority of a resolution adopted by the Senate, appointed a subcommittee of its members with instructions to investigate the charges and statements contained in said memorials. In discharge of the duty assigned them the members of the subcommittee met during the recess of the Senate, in the city of Topeka, in said State, and examined a large number of witnesses, whose testimony, together with the testimony of witnesses examined before the whole committee during the present session, is herewith submitted to the Senate.

The views entertained by the committee render it unnecessary to refer more particularly to the testimony, which will be found to sustain the conclusions of the committee expressed in the following resolution :

Resolved, That the testimony taken by the committee proves that bribery and other corrupt means were employed by persons favoring the election of Hon. John J. Ingalls to the Senate, to obtain for him the votes of members of the legislature of Kansas in the Senatorial election in that State. But it is not proved by the testimony that enough votes were secured by such means to determine the result of the election in his favor. Nor is it shown that Senator Ingalls authorized acts of bribery to secure his election.

VIEWS OF THE MINORITY.

The undersigned, a minority of the Committee of Privileges and Elections, who were directed to investigate certain statements and charges concerning the recent election of a Senator in the State of Kansas, respectfully submit our views as follows :

We concur in part of the report. We exonerate Mr. Ingalls from any complicity with improper practices. We also find that the result of the election was not accomplished by such practices. We think that when the report goes further and finds that persons favoring Mr. Ingalls's election were guilty of such practices, it should in justice state what was clearly and unquestionably proved, that such means were employed in opposition to his election.

ANGUS CAMERON.
JOHN A. LOGAN.
GEO. F. HOAR.

TESTIMONY IN KANSAS,

TAKEN BY THE SUBCOMMITTEE OF THE COMMITTEE ON PRIVILEGES AND ELECTIONS, UNITED STATES SENATE, CONSISTING OF SENATORS SAULSBURY (CHAIRMAN), BAILEY, VANCE, CAMERON, OF WISCONSIN, AND LOGAN.

TOPEKA, KANS., *Monday, September 22, 1879.*

Pursuant to the call of the chairman of the Committee on Privileges and Elections of the Senate of the United States, the members of the committee selected to investigate the charges contained in certain memorials relative to the election of John J. Ingalls as Senator from the State of Kansas for the term commencing March 4, 1879, met in the court-house at Topeka, on Monday, September 22, 1879, at 10 o'clock a. m.

Present: Senators Saulsbury (chairman), Vance, Cameron, and Logan. The resolution of the Senate authorizing and directing the investigation to be made, was read.

The CHAIRMAN. The committee are ready to proceed. I have had handed to me by Senator Ingalls the names of certain gentlemen whom he desires should appear and act for him as counsel. I have also been informed that Messrs. Eggers, Stumbaugh, and Riggs desire to appear before the committee as counsel for the memorialists.

Mr. STUMBAUGH. We shall ask leave, probably, to have one other counsel appear.

The CHAIRMAN. You will give the name to the clerk.

Mr. STUMBAUGH. Yes, sir.

The CHAIRMAN. The committee have taken no formal action on the question whether counsel shall be permitted to appear, on the one side and on the other in this case. There has been some informal conversation among the members of the committee on the subject, but perhaps it would be better that the committee should take formal action on that question. It has been usual in this committee, where the right of a party to a seat in the Senate has been involved, to permit counsel to appear; but some of the investigations by this committee have been conducted without the intervention of counsel. I now submit the question to the committee as to whether the respective parties, the memorialists and the respondent, shall be allowed counsel in this case.

The question being put, the committee unanimously decided that counsel should be allowed to appear, and the following gentlemen entered their appearance:

Counsel for the memorialists, L. F. Eggers, esq., F. S. Stumbaugh, esq., Samuel A. Riggs, esq.

Counsel for the respondent, A. L. Williams, esq., George R. Peck, esq., Thomas P. Fenlon, esq., Aaron S. Everest, esq., John Martin, esq.

The CHAIRMAN. I think I may say now, in the presence of the gentlemen who appear here, that I learn from conversation with members of the committee that but one counsel will be allowed to examine any one witness produced on either side. The investigation would be interminable if we permitted so many counsel as are employed on the respective sides of this case to engage in the examination of the same witness. We hope, therefore, the counsel will arrange among themselves as to who shall conduct the examination and cross-examination of any witness who may be presented before the committee.

I desire to say further, in behalf of the committee, that it is desirable that subpoenas shall not be asked for any witness who is not material

on the one side or the other. It is desirable to shorten this investigation as much as possible, and to conduct it with as little expense as possible. We hope, therefore, that counsel on the respective sides will be careful in the issuing of subpoenas for witnesses not to incorporate into them the names of any persons who may not be absolutely necessary as witnesses to the full investigation of this case.

I may say further, I think, in behalf of the committee, that it will be gratifying to them if the examinations of counsel should be limited strictly to the questions in issue. Sometimes in investigations by legislative committees a wide latitude is granted and much irrelevant matter is introduced by that mode of examination. It is to be hoped that the counsel, all of whom I have no doubt are well versed in matters of this kind, will limit their inquiries to questions pertinent to the issues involved.

I have read, in the presence of the counsel as well as of the committee, the resolution which authorized this investigation. The committee is directed to inquire into the truth of the allegations contained in certain memorials referred to in the resolution. It has been suggested that perhaps it would be proper at this point to read the memorials which were presented to the Senate, and which gave rise to the resolution under which we are here met. I will do so.

MEMORIAL.

(Referred March 19, 1879.)

To the Senate of the United States :

The undersigned, members of the legislature of the State of Kansas, respectfully represent that they have good reasons to believe that Hon. John J. Ingalls, who has received a certificate of election as United States Senator from said State of Kansas for six years from the 4th of March, 1879, secured his election by acts of bribery and corruption, and that by himself and by his agents acts of bribery and corruption were resorted to to induce a large number of members of the legislature to vote for said Ingalls.

We further represent that a partial and incomplete investigation of charges of bribery and corruption connected with the late Senatorial election in Kansas, and of charges of corruption in office, against Mr. Ingalls was had before a committee of the house of representatives of said State, and that the investigation before said committee was partial and incomplete because of want of time to secure important witnesses and the want of power to compel the attendance of witnesses, and because of repeated and corrupt efforts on the part of the agents of Mr. Ingalls to intimidate witnesses and suborn important testimony in the case. We also state for the information of your honorable body the following facts, and respectfully ask a full opportunity to offer proof of the same before the proper committee :

1st. E. L. Smith, general manager of the Western Union Telegraph Company, at Topeka, Kansas, although legally summoned, refused to testify before said committee, and also refused to produce a large number of important telegrams sent and received by Mr. Ingalls and his agents, and which, it is believed, relate to acts of bribery and corruption.

2d. That Hon. J. A. Hossack, a member of the house from Crawford County, was approached personally by Mr. Ingalls and offered \$1,000 for his vote, and that subsequently said Hossack signed the following statement :

Copy of statement.

[Teft House letter head.]

"TOPEKA, January 30, 1879.

"I hereby certify that, as a member of the legislature of the State of Kansas, I was personally approached by John J. Ingalls for my vote, and was offered money provided I would vote for him. The sum agreed upon was one thousand dollars (\$1,000); five hundred to be paid down and five hundred to be paid the 1st day of March. I was referred by Mr. Ingalls to J. Merritt and J. Wilson, who paid me five hundred dollars. Mr. Ingalls agreed to pay me the remaining five hundred on the 1st day of March.

(Signed)

"J. A. HOSSACK.

"Witnessed by—

"E. H. BROWN."

3d. That Hon. J. B. Clogston, a member of the State legislature from Greenwood County, was approached personally by Mr. Ingalls with corrupt propositions. That

Mr. Ingalls referred him to his agents, and said Clogston was offered by said agents the sum of five hundred dollars to vote for Mr. Ingalls.

4th. That Hon. George W. McClintock, a member of the house from McPherson County, was offered three hundred dollars by one person and eight hundred dollars by another person to vote for Mr. Ingalls, and that said persons offering the bribes were the agents of Mr. Ingalls.

5th. That Hon. T. J. Raybell, a member of the house from Greenwood County, was paid two hundred and fifty dollars to vote for Mr. Ingalls, and that said money was paid by an agent of Mr. Ingalls.

6th. That Hon. George L. White, a member of the house from Republic County, was offered the sum of five hundred dollars to vote for Mr. Ingalls, and that the person who offered the bribe was an agent of Mr. Ingalls.

7th. That Hon. H. C. Fisler, a member of the house from Harper County, was offered the sum of two hundred and fifty dollars to vote for Mr. Ingalls, and that the person who offered the bribe was the agent of Mr. Ingalls.

8th. That Hon. John M. Hutchison, a member of the house from Jewell County, was offered the sum of one thousand dollars to vote for Mr. Ingalls, and that the person who offered the bribe was the agent of Mr. Ingalls.

9th. That Hon. Walter S. Wait, a member of the house from Lincoln County, was offered the sum of five hundred dollars to vote for Mr. Ingalls, and that the person who offered the bribe was the agent of Mr. Ingalls.

10th. That the Hon. Charles H. Miller, a member of the house from Leavenworth County, while occupying the position of United States marshal for the district of Kansas, was furnished a list of names by Senator Ingalls to be drawn as grand jurors at the April term, 1876, of the United States district court for the district of Kansas, for the purpose, as we believe, of packing the said jury to prevent the finding of true bills of indictment in certain cases in said court.

That, in addition to the foregoing cases of bribery and corruption, we believe that many other acts of the same character were committed by Mr. Ingalls while in office, and by his agents, for the purpose of securing his election as a member of your honorable body, and that we can produce the proof of the same.

We submit herewith a certified copy of the testimony taken by the committee of the Kansas house of representatives, and other documents and evidence in the case.

L. F. Egger,	Rep., 119th district.
J. R. Hamilton,	" 123d "
John Bissell,	" 116th "
Dexter E. Clapp,	" 56th "
Cha. H. Miller,	" 13th "
R. B. Armstrong,	" 17th "
John D. Wait,	" 32d "
Walter S. Wait,	" 112th "
W. P. Ewing,	" 125th "
J. C. Martin,	" 129th "
D. C. McCay,	" 102d "
Geo. L. White,	" 107th "
F. S. Stumbaugh,	" 127th "
Wm. M. Moore,	" 106th "
A. J. Selover,	" 3d "
E. W. Majors,	" 39th "
Wm. Rath,	" 53d "
L. C. Prunty,	" 69th "
John M. Hutchison,	" 109th "
Frank M. Gable,	" 15th "
Geo. Taylor,	" 79th "
Henry A. Parsons,	" 71st "
T. B. Woodard,	" 55th "
J. W. Farris,	" 8th "
M. L. Barber,	" 59th "
Johnson Beatty,	" 70th "
G. T. Bevins,	" 10th "
James H. Martin,	" 44th "
G. W. McClintock,	" 99th "
R. H. Barackman,	" 96th "
J. B. Clogston,	" 85th "
Juo. Hall,	" 50th "
Sidney Clarke,	" 24th "

Added by written authority:

Philip Kelly,	1st district.
J. B. Kennedy,	2d "
M. McMillen	26th "

MEMORIAL.

(Referred April 23, 1879.)

To the Honorable Senate of the United States :

In the matter of the memorial of a large number of members of the Kansas House of Representatives, charging bribery and corruption in the late Senatorial election on the part of Hon. John J. Ingalls and his agents, the undersigned, in behalf of themselves and the other memorialists, would respectfully submit that since the presentation of said memorial additional cases of bribery and corruption upon the part of said John J. Ingalls and his agents, in said Senatorial election, have come to their knowledge, and for the information of your honorable body we present the following facts, and respectfully ask a full opportunity to offer proof of same:

First. That Hon. O. G. Richards, a member of the House of Representatives from Douglas County, corruptly received \$400 for his vote for John J. Ingalls at said election, and that the person giving the said bribe was the agent of John J. Ingalls.

Second. That Hon. D. E. Ballard, a member of the House of Representatives from Washington County, corruptly received \$500 for his vote for John J. Ingalls at said election, and that the person giving said bribe was the agent of John J. Ingalls.

Third. That Hon. L. P. Hamilton, a member of the House of Representatives from Marshall County, corruptly received several hundred dollars for his vote for John J. Ingalls at said election, and that the person giving said bribe was the agent of John J. Ingalls.

Fourth. That Hon. J. R. Hallowell, a Senator from Cherokee County, was promised the United States district attorney for the district of Kansas for his vote for John J. Ingalls, and said Hallowell's name is now pending before the United States Senate, awaiting confirmation for said position.

Fifth. That Hon. L. E. James, a member of the House of Representatives from Wyandotte County, corruptly received one thousand dollars for his vote for John J. Ingalls at said election, and that the party giving said bribe was the agent of John J. Ingalls.

Sixth. That Hon. G. W. Greever, a member of the House of Representatives from Wyandotte County, corruptly received five hundred dollars for his vote for John J. Ingalls at said election, and that the person giving said bribe was the agent of John J. Ingalls.

Seventh. That the Hon. Geo. S. Bishop, a member of the House of Representatives from Jewell County, was corruptly promised the receivership of the United States land office at Concordia, Kans., for his vote for John J. Ingalls, and that said corrupt promise was made by John J. Ingalls.

Eighth. That John A. Blackman, a member of the House of Representatives from Leavenworth County, corruptly received several hundred dollars for his vote for John J. Ingalls at said election, and that the person giving the bribe was the agent of John J. Ingalls.

Ninth. That the Hon. John M. Price, a member of the House of Representatives from Atchison County, was prevailed upon by and did vote for John J. Ingalls, under the corrupt promise of being appointed postmaster for the city of Atchison, Kansas, which appointment was made, and the said Price now holds the position.

Tenth. That Hon. J. O. Savage, a senator from Republic County, corruptly received a large sum of money for his vote for John J. Ingalls at said election, and that the person giving said bribe was the agent of John J. Ingalls.

The undersigned would further state that the joint convention for the election of a United States Senator for the State of Kansas for the term to commence on the 4th of March, 1879, consisted of 129 members of the House of Representatives and 40 Senators; necessary to a choice, 85; that the largest number of votes cast for John J. Ingalls was 86; of these your memorialists charge that a large number, in addition to those charged in the above specifications, were obtained by bribery, and the undersigned further represent that the investigation of the committee appointed under and by virtue of resolutions of said Kansas House of Representatives, was partial and incomplete, and the committee say in their report: "The committee has been unable, for want of time, to make a full and thorough inquiry into said alleged acts of bribery and corruption during the late Senatorial election, and to fully investigate charges of corruption in office made against the newly-elected United States Senator."

All of which is respectfully submitted.

F. S. STUMBAUGH,
L. F. EGGERS,

For ourselves and the other memorialists.

APRIL 23, 1879.

It has been suggested by my brother Cameron that inasmuch as there was an investigation before the legislature of the State of Kansas touch-

ing this same question, if the counsel on the respective sides in this case can agree upon the testimony that was taken in that investigation, or any part of it, as being the true testimony bearing upon the case, it may save this committee the necessity of summoning witnesses who testified before that committee, at least such as the counsel on the respective sides may agree upon. If, therefore, the gentlemen acting as counsel can get together and examine the testimony taken before the house committee of the legislature of Kansas, and agree to its admission, this committee will adopt it as part of the testimony in this case. We cannot do that without the concurrence of both sides, as it is testimony that was not taken by this committee.

Mr. EVEREST. I can say, Mr. Chairman, to the honorable members of the committee, that, so far as the respondent is concerned, we are ready to announce our decision in that regard on the question submitted, at once. While it is true that investigation took place in the absence of Senator Ingalls; while it is true that no one appeared for him there; and while it may be true to some extent that a hostile committee was appointed by that legislature, we are willing to submit the evidence as it appears on file with the secretary of state as taken at that time, and I suppose the printed evidence substantially is before this honorable committee.

Senator CAMERON. What purports to be an exact copy.

Mr. EVEREST. And filed by the memorialists themselves.

Mr. RIGGS. Mr. Chairman and gentlemen of the committee, for the memorialists let me say this: The legislative investigation was held at the close of the session of the legislature. The chairman of the committee, who was the examiner, I might say, for the committee, was sick almost constantly during the time the investigation was proceeding. The testimony was all called out by general questions. We have reason to believe that in almost every instance the testimony here will be of a different scope or different character from that which was produced before that committee. And while we should be glad, if we thought our labors would be available in that direction, to sit down with the counsel for the respondent and agree on certain portions of that testimony that we think were complete, we believe no time would be gained by it. Almost all the witnesses will have to be summoned here, because from information we have received since that investigation we are convinced that their testimony was partial. Not only that, but for the purpose of furnishing additional testimony, it will be necessary to examine still further the witnesses who were there examined in almost every instance in order to procure connecting links, which we hope to be able to do. I feel very well convinced that no time would be gained by an effort of this kind.

While the testimony there taken may have been submitted with the memorial to the Senate, it cannot be claimed, and I presume will not be claimed, that that testimony should in any sense be binding upon this committee, but you would feel authorized to go into the whole matter *de novo*. While I should be very glad to save time, because I myself am away from home as are all the members of the committee and most of the counsel for the respondent, yet I feel that no good would be accomplished by the attempt to do what has been suggested.

The CHAIRMAN. Without the concurrence of the counsel on the respective sides; of course this committee cannot take the testimony which was produced before the legislative committee. It must be done by the consent of all parties, or else we have no right to incorporate any of that testimony in the testimony produced before this committee.

Mr. RIGGS. I have no doubt myself there may be certain facts agreed upon. For instance, a witness may have been called there to a single fact, and I have no doubt counsel may get together and agree upon the testimony of that witness or agree upon that fact. There are a great many preliminary facts in this case that I have no doubt we may agree upon and avoid the introduction of witnesses. I know I speak for all the counsel for the memorialists when I say we shall be very glad to meet the gentlemen on the other side for the purpose of agreeing upon facts so as to save the necessity of introducing testimony on certain points.

Mr. EVEREST. I believe brother Riggs is under a misapprehension. I do not know whether he was present at the legislative investigation, but it took five weeks, and the chairman, Mr. Randolph, was there all but two days. Of course we are here simply to meet what may be brought by the learned gentlemen against us; but it will require upon our part a great number of witnesses, because we cannot possibly know what we are to meet until we hear the testimony on the other side.

The CHAIRMAN. The suggestion is left now with the counsel. If hereafter they choose to get together and agree upon a particular matter and submit it to the committee, we shall adopt it. Of course we can do nothing ourselves; we can only act with the concurrence of counsel. The suggestion has been made, and we leave it with the counsel in the case.

Mr. RIGGS, in response to a question from the chair, stated that no witnesses for the memorialists were present, and he did not know whether those summoned by telegraph would be here to-morrow or not. He hoped, however, some would be present.

Mr. FENLON. Mr. Chairman, at the request of my associates, and after consideration, I ask at the hands of the committee in behalf of Mr. Ingalls that the eighty-six members composing the members of the senate and house of representatives of the legislature of Kansas, upon whose votes his title to his office depends, shall be subpoenaed before this committee, and I have a list of their names, with their residences, which I hand to the committee.

The CHAIRMAN. I would suggest to counsel and to Senator Ingalls, that if they desire the attendance of any person, a member of the legislature who is not implicated in any charge, they can call him on any material point; but this application is rather extensive.

Mr. FENLON. We are acting somewhat in the dark on account of the nature of the charges.

Mr. RIGGS. There were honest men in the legislature, we are willing to say.

Mr. FENLON. But we are not informed by the counsel on the other side whom they are going to attack or what votes they are going to attack. They say in their memorial that a large number of others, who are not specified and whose names are to the memorialists unknown, were corrupted or bribed. Our title depends upon the eighty-six gentlemen who voted for Mr. Ingalls; we are willing to bring them here, and see whether they were bribed or not.

The CHAIRMAN. We cannot consent that either the memorialists or the respondents shall summon everybody in Kansas. We must have some regard to the Treasury of the United States, and there is only a limited amount of money appropriated for this investigation. It seems to me that counsel could readily agree upon the fact that A, B, C, D, and so on, members of the legislature, are not implicated or charged with any impropriety, and then it would be unnecessary to

summon those men. It seems to me that there might be some arrangement between counsel that would save not only the time of this committee, but the money of the government.

Mr. RIGGS. We will agree to indicate to the gentlemen just whom we intended to cover by that general clause. We had reason to believe that there were other cases besides those specifically named which we could develop, and we expected to introduce some proof on those, and we will indicate the names to the gentlemen at the earliest possible moment.

Mr. FENLON. And exculpate all except those you name?

Mr. RIGGS. Oh, yes.

The CHAIRMAN. I think counsel can agree on a matter of this kind. The committee would be glad to have the consent of counsel to such an arrangement. If it is insisted upon that we shall summon all these parties, we may be compelled to do it; but if counsel can agree that it is unnecessary to summon A, B, and C, I hope they will not ask us to issue summons for persons whose testimony cannot be material. The fact is that a court sometimes exercises discretionary power and charges a respondent or a plaintiff with costs when he multiplies the expenses unnecessarily. We shall be glad if the counsel can agree that any of these persons shall not be subpoenaed.

Senator CAMERON. Mr. Riggs has intimated that counsel for the memorialists will designate those members who are not to be charged in any way with bribery or corruption in this matter.

Senator VANCE. *Non constat* that those not charged may not know about others.

Senator CAMERON. That is another matter.

Mr. RIGGS. If their testimony becomes material they can be subpoenaed.

Senator CAMERON. No witness being present, I move that the committee do now adjourn until 10 o'clock to-morrow morning.

The motion was agreed to, and the committee adjourned.

* TOPEKA, Tuesday, September 3, 1879.

The committee met pursuant to adjournment.

Present, the chairman, and Senators Bailey, Vance, Cameron, and Logan; also, Messrs. Eggérs, Stumbaugh, and Riggs, counsel for the memorialists; and the respondent with his counsel, Messrs. Williams, Peck, Fenlon, Everest, and Martin.

The CHAIRMAN presented lists which he had received from the counsel for the memorialists and counsel for the respondent respectively of witnesses for whom subpoenas were desired, and it was ordered that subpoenas issue accordingly.

The CHAIRMAN. I desire to call the attention of counsel for the memorialists to the propriety of their filing a list of the witnesses by whom it is proposed to establish the specifications in the memorials, and also a list of the witnesses to sustain the general allegation. If the counsel for the memorialists have here a list prepared, they had better let us have it.

Mr. RIGGS. Mr. Chairman, we have prepared such a list as far as we have been able to do. As to some of the specifications in the last memorial, we have not yet been able to designate definitely the names of the witnesses, for the reason that those from whom we had expected to

get accurate and definite information are not here. We have as to all the specifications in the original memorial and as to the general specification in both memorials prepared a list of witnesses; and in presenting this to the committee, and for the information of the counsel for the respondent, we should like to reserve our right, as information comes to us, to complete it still further and add the names of witnesses who will be necessary to enable us to maintain those specifications. This we present to the committee now.

The CHAIRMAN. I suppose counsel in all probability will be able in the course of a day or two to complete the list.

Mr. RIGGS. Yes, sir; we shall be able to do it within two days certainly. Our aim has been, I will say, to avoid asking for a subpoena for any witness whose testimony we do not believe to be material.

The names of witnesses who had been subpoenaed were called, and Luther Dickerson responded.

Mr. RIGGS. I will state to the chairman and to the gentlemen of the committee that I do not suppose we can now introduce the testimony of Mr. Dickerson. We have called him for a contingency, which we confidently expect will arise in the case, but I doubt very much whether under any fair rules of evidence we can offer his testimony at this stage. In relation to Mr. Miller, whose name has been called, I will state that he is now engaged in an effort to procure testimony, which I presume the committee will want, in the shape of diagrams of the hotel of which mention will frequently be made in the testimony by witnesses on both sides. Mr. Miller has gone with the gentleman who is engaged this morning in making plats, and he has gone at our request. I will say, too, that Mr. Miller's testimony at this stage of the proceeding would not be material or interesting to anybody.

The CHAIRMAN. Have you any witnesses whom you can produce today?

Mr. RIGGS. The clerk of the House of Representatives is engaged in making out statistical information which we asked of him yesterday, and it will take considerable time.

The CHAIRMAN. The committee are fully aware of the embarrassment gentlemen have in conducting an investigation of this kind, and of the desirability of presenting the evidence which they propose to introduce in consecutive form; but I hope they will take into consideration the fact that this committee are here at very great inconvenience to themselves and very considerable expense to the government. I think we shall therefore adopt the rule that when a witness is subpoenaed either for the memorialists or the respondent, and answers to the subpoena, we must proceed to examine him and discharge him. Præcipes have been allowed for many witnesses. When they put in an appearance we cannot retain them without doing great inconvenience to ourselves and causing great delay to the investigation. I hope, therefore, that counsel on both sides will so arrange their subpoenas, that upon the appearance before this committee of any witness they will be ready to examine him. I desire to state further for the information of witnesses that, whether a witness who has been summoned is in town or not, he will not be entitled to any per diem until he makes his report to the sergeant-at-arms.

Mr. EVEREST. Mr. Chairman, I can say to the honorable committee that so far as the respondent is concerned we are ready to submit to the pleasure of the committee, and that is one of the reasons why we have already presented a list of witnesses.

Mr. J. R. HALLOWELL. Mr. Chairman, being one of the ten members

of the legislature charged in the second memorial filed before your honorable committee, we have prepared a denial and desire to file it with the committee. It is signed by seven of those who are specified in that second memorial, and the other three will be present within a day or two, and will desire to sign the denial at that time. We ask to have it filed.

The CHAIRMAN. Does that paper come from the respondent, or from outside parties ?

Mr. HALLOWELL. From the individuals charged. It is simply a denial on our part.

The CHAIRMAN. We will hear your application, and the committee will consider it in their private consultations.

Mr. HALLOWELL. Mr. Chairman and gentlemen of the committee—

The CHAIRMAN. You can file your application as a party charged in the second memorial and the committee in their private consultations will consider the propriety of receiving it. Persons who are not witnesses or counsel cannot appear before the committee in any capacity. You can lay before us the paper which you are proposing to read, and we shall consider it in our private consultations.

Mr. HALLOWELL. We are witnesses.

The CHAIRMAN. Then testimony of witnesses under oath is the proper evidence, not mere statements of their own.

Mr. EVEREST. If the chairman will permit me, I will say that this may be considered as in behalf of the respondent also as to one of the allegations in the second memorial referred on the 24th of April. It embraces not merely a denial but a statement to this committee. These gentlemen are here as witnesses, having come here for the purpose of submitting themselves, if it is so desired, to the jurisdiction of this committee. It is the only way in which they thought they could do it, in behalf of themselves and in justice to the respondent. I simply rose to call the attention of the committee to that point. I do not know what action they may see fit to take.

The CHAIRMAN. I understand these gentlemen are subpoenaed as witnesses and will be before the committee under oath. A statement not under oath, not subject to cross-examination, would not be evidence, of course. The best evidence they can give will be their own testimony under oath. I do not see that they should supplement their testimony under oath by a written statement not under oath. However, as I have said, I will submit the question of the propriety of receiving this paper to the committee in their private consultations. I do not make any ruling myself that it shall not go in.

Mr. EVEREST. I beg simply to suggest, if the committee will indulge me, that the memorial itself is not under oath. This is almost as broad as that. It is to meet the assertion on one side by what may be said on the other. That is as far as pleading is required to go. I, however, submit it to the committee to take such action as they see fit.

Senator CAMERON. It is submitted more in the nature of pleading than evidence ?

Mr. EVEREST. That is exactly what it is. There has been no reply to the second memorial.

The CHAIRMAN. Gentlemen will understand that the memorial was addressed to the Senate of the United States. Upon that memorial this committee was instructed to investigate the charges. The mode of investigation is by the production of witnesses and their examination under oath. The introduction of statements by outside parties or by any one else, not under oath, is not such evidence as this committee is

authorized to take. But we will consider the application of these parties who are charged, and determine what course shall be pursued.

Mr. EVEREST. The honorable chairman must not understand me as offering the paper in evidence. I see the force of his remarks.

The CHAIRMAN. The committee cannot encumber its report with extracts from newspapers bearing upon the question or statement from outside parties. What we want is evidence submitted before this committee under oath and subject to cross-examination, and that is all we are authorized to take.

Is there any witness, gentlemen, that can be examined this morning ?

Mr. STUMBAUGH. The clerk of the house, Mr. Walton, has been summoned, and he will be here in a few minutes.

The CHAIRMAN. I desire now to ask counsel for the memorialists and for the respondent whether there has been any agreement between them as to what portions of the testimony, if any, that was taken before the legislative committee shall be accepted as evidence in this case ?

Mr. FENLON. There has been no agreement made as to anything.

Mr. PECK. I will state that in obedience to the suggestion made by the chairman yesterday, we have had a meeting with the counsel for the memorialists and we have failed to agree upon any of the testimony taken by the legislative committee.

Mr. RIGGS. By way of further explanation let me say, Mr. Chairman, that we made a proposition to the gentlemen in relation to a part of the printed testimony from which we have never heard.

Mr. PECK. I will state for the information of Mr. Riggs that we called to see him and he was not in, and we notified Mr. Stumbaugh, and Mr. Stumbaugh said he would inform him.

Mr. RIGGS. I beg pardon.

The CHAIRMAN. An application was made to summon all the members of the legislature who voted for Mr. Ingalls. That application we understand to be pending.

Mr. EVEREST. Perhaps I ought to add a word. Under the circumstances in which this memorandum is furnished us, with the residuary clause, as it may be called, we are about as much in the dark as ever. I do not know when we can possibly get at this thing. I do not see how it is possible for us to consent to anything different from what we requested yesterday. The memorialists reserve the right to call others. We do not know what that reservation involves.

The CHAIRMAN. I understood from counsel for the memorialists yesterday that there was a large number of the gentlemen who voted for Mr. Ingalls whose integrity would not be impeached. Has there been any statement filed as to the names of those gentlemen ?

Mr. RIGGS. I will state, Mr. Chairman, that we never have seen the list of the gentlemen who voted for Senator Ingalls. We are ready now, here in the presence of the committee, if the names shall be announced, to state those whose votes we propose to inquire into. We have never been asked to signify whom we proposed to inquire into. We have never seen a list of the names. I am free to say that I cannot carry in my memory the names of all the gentlemen who voted for Senator Ingalls.

Senator BAILEY. Can you not get them from the legislative journals ?

Mr. RIGGS. I presume we could, but the gentlemen have a list, and I presumed they would come to us with that list and ask us as to whom we proposed to make inquiry about.

Mr. FENLON. I understood the gentlemen to say yesterday that we were to be furnished with the names of the members whose votes were not to be impeached.

Mr. RIGGS. I think the gentleman is mistaken.

Mr. FENLON. Our title to this high office is questioned here. We made that proposition yesterday and renew it to-day, and insist upon it. It is due to Senator Ingalls and due to this State and to public morality that the eighty-six gentlemen in the legislature who voted for him should be brought here, to see whether they were bribed or not. If sixty or seventy of them were not bribed, mention them, and then we shall only bring the residue.

The CHAIRMAN. A list of these proposed witnesses has been filed with the committee and subpoenas asked for. A præcipe has not issued in regular form, but a list of the names is on file without any præcipe asking a subpoena for them. Counsel can have access to that list. Let me suggest that with a little accommodation on the part of counsel on both sides they may relieve the committee from what perhaps may become its duty. The committee have not desired to make any order which on the part of counsel on the one side or the other would seem to be arbitrary; but its own self-respect and the duty which it owes to the body it represents will require it (unless there is some agreement among counsel to limit the number of witnesses before this investigation) to take such order as in its own judgment is proper, and take the consequences and the criticisms that may result from it. We have desired to avoid that, and we have sought for two days to bring about an agreement between counsel so that everything may be done by their entire agreement and without the intervention of positive orders of the committee. We now again ask that if there can be an accommodation between counsel, it may be had before this committee even takes into consideration the propriety of making its own orders to govern its deliberations. This committee will not be harsh towards any one; on the contrary, it is the wish of every member of the committee to deal with perfect fairness to both sides of this question, and to make no order that shall in the judgment of any party interested be unfair towards either side, but it owes it to itself, it owes it to the government that it represents, and it owes it to a fair investigation of the matters committed to its charge, that, unless there is an agreement, it will take into consideration the proper manner in which this investigation shall be conducted.

We hope counsel will not take these remarks unkindly, but it is due to ourselves that we should announce now that we are not here for the purpose of being delayed or hindered or unnecessarily detained in this investigation.

Mr. MARTIN. Mr. Chairman, I trust I may be indulged a moment while I make a suggestion to the committee. This case is a very peculiar one. It is not like the ordinary investigation of a lawsuit in a court of justice in many of its bearings and results. This is a sort of political case in one aspect of it. It is true, however, that the evidence and order of proceeding will be that which would ordinarily govern a suit at law in court, but I think the committee will readily perceive that in the nature of things agreements upon any proposition in this case will become in the end a practical impossibility. I think it may be as well understood now, so that we can shape our action to meet every phase of the case that is going to be presented. While we should be glad, if it was in the nature of things to do so, to meet any suggestion which may be made by the committee towards an agreement for the admission or exclusion of evidence or confining this investigation to any particular channel, yet, in my judgment, it is impossible to do it, because we are met with the obstacle, at the very commencement of the investigation, of a reservation in the præcipe which has been submitted

by the memorialists, that they may have the privilege from time to time of adding to their list such witnesses as in their judgment may be required. From that circumstance alone, it seems to me it would appear manifest to the committee at the outset that as long as that reservation stands and is recognized by the committee as being in force, it is an absolute and utter impossibility for us to undertake to say what particular witnesses we shall call to meet the possible issues that may be presented in this proceeding. It cannot be done. It is true we might shape our course to meet the issues that will be presented by the specific witnesses who are named in the præcipe; but when we come to that broad proposition that they reserve, the right to introduce other witnesses upon other matters and other points, or upon the same points, you will see that the difficulty which originally existed in the minds of the committee is not in anywise obviated. There is the difficulty we run against at the outset. The latter clause of the second memorial is so indefinite and uncertain that it is not in the nature of things for us to be able even to anticipate what they propose to charge. It is a sort of drag-net like the general prayer in equity for such other and further relief as the memorialist may be entitled to. For that reason it is impossible for us to designate at the outset any specific witnesses that we can cut off from the list we have already submitted. We have not the slightest idea but that it is the purpose of this committee to offer every possible opportunity to everybody interested in this controversy to present his proofs for and against, and to do equal and absolute justice to each and every side. But I am sure the committee will appreciate the position in which Senator Ingalls stands here. He is not in a position to be a moving party in any respect about anything. He must stand here with his hands practically closed from the necessity of the case, and from the necessity of the circumstances by which he is surrounded, and he cannot say "yea" or "nay" to any proposition until such time as the evidence in the case shall present some fact or some circumstance that calls upon us at least to offer a witness in rebuttal. There is the trouble. Take an ordinary criminal case; the State must first make out its case before the defendant can be called upon to answer. I take it, this case stands somewhat in that aspect, so far as practice is concerned, that before the respondent can offer testimony even by anticipation such a state of facts must be submitted as calls upon him to offer some sort of explanation.

Now, in respect to an agreement with regard to the members of the legislature who voted for Senator Ingalls, I think the committee will at once see the trouble that exists in its suggestion as to cutting off the names of any of those members from our list. It may be that under the general clause of reservation as to calling other witnesses, those very members whom we have agreed to cut off may in some manner be implicated in this controversy.

I say, then, as the case at present stands it is impossible for us to make any agreement. I think we may as well meet the issue square in the face and come to the trial of this cause just as we would that of any other, and begin and work from the ground up. The condition of things, I think, will warrant the committee in coming to that conclusion. At least that is our view of it, and we had better understand each other, so that everybody may act intelligently and come right down to work in this case. We are here, ready to proceed so far as we are concerned, to answer any charge that may be preferred against us.

Mr. RIGGS. Mr. Chairman, let me add a word. I accept fully, as reasonable, the suggestions made by the chairman of the committee. I think

I realize the necessity for this committee laying down some rule in the beginning which, while it may not hamper the investigation, may yet expedite it. I am willing to recognize fully the difficulties under which the respondent lies in this case. I know how impossible it is for him to anticipate anything that we may offer against him; therefore we have not asked the enforcement of any rigid rule against the respondent in this case.

A word further as to the reasonableness of the propositions which we have made. Yesterday, when a request was preferred that we should disclose our case in a certain measure, we recognized the reasonableness of that order, and have to-day filed a list of witnesses with the specifications to which they are to be called, stating, so far as we were able, in the exercise of the very best faith, every witness who would be called to any single specification; stating in the same connection also, which the gentleman must have known, that a large portion of this testimony will come rather under the general specification. Under the order which was made we could not state the names of our witnesses in any other way than just as we have stated them. I say here, now, that we have acted in the best of faith and will continue to act in the best of faith towards the committee and towards the respondent in this matter; and just as readily as we become advised intelligently and safely (because I regard the matter of expense as involved very much), we shall give the committee the names of our witnesses under the various specifications.

There is one other branch of this matter to which I desire to advert. Yesterday a formal proposition was made for the subpoenaing of the eighty-six members of the Kansas legislature who cast their votes for Senator Ingalls last winter, as was stated, for the purpose of enabling each and every one of them to stand up here and purge himself, and upon his oath state that he was not influenced by any improper consideration. That, if I can understand the English language, was exactly the proposition made here yesterday. To that proposition the chairman of the committee said that there certainly could be some way of avoiding that; that an admission on our side would do away with the necessity of calling so large a number of witnesses on a point like that. Such a proposition, I submit, is not in the ordinary course of investigation. It is not true that every member of the Kansas legislature is reflected upon by a statement that as to certain men, whose names were not then known, Senator Ingalls had offered or paid bribes. The construction which is put upon this investigation is not a fair one. For the purpose of meeting this difficulty, I said before, as I say now, that I can sit down with any one of the counsel for the respondent and in fifteen minutes signify in writing the names of the gentlemen as to whom we shall not introduce any proof. Of course I realize the force of the suggestion made by my brother Martin, that in the course of this investigation it may become necessary to call as witnesses some of those members as to whom that statement will be made; but I think I can safely say that as to all the men as to whom we state that we shall introduce no proof we shall introduce none; and if the name of such a one shall be involved in any way it will be by the accident of trial, by that accident against which we cannot guard, that some witness may possibly, without any knowledge of ours, mention the name of the member in such a way as to make his appearance a necessity. Then I am free to say, in that contingency, opportunity should be given, and I have no doubt would be given, by the committee to subpoena such a member, to enable him to vindicate himself against the charge. I do not believe there is a necessity exist-

ing; I know there is no necessity which is based upon our disposition to refuse to accede to a reasonable request. I do not believe there is any necessity for the subpoenaing of those eighty-six members of the legislature simply because they were members, and without any reference at all to their being involved either in the specifications or in the statement we have filed, which discloses just so far as we can disclose intelligently the names of the witnesses to be introduced under each specification.

Now, I trust that in this matter our position will not be misunderstood. I assert again that we are here for the purpose of making any agreement that we can make possibly which will expedite this matter and lessen the cost of the investigation.

Mr. PECK. You will pardon me, Mr. Riggs, for suggesting that it is certain, I presume, that you can indicate whom you intend to attack and whom you intend to exculpate without sitting down with us as well as you can after sitting down with us. For the purpose of making an agreement as to the admission of testimony, a conference between counsel might be proper, but for the purpose of enabling you to state in advance whom you intend to attack, you can certainly derive no benefit from consulting with us, because it is for you to make your own case.

Mr. RIGGS. If our agreement amounts to anything, it should be in the form of a paper filed; it should be in the nature of an agreement, to which both the respondent and the memorialists are parties. My only idea in making the suggestion was that when we made such an agreement it might be in authoritative form. I take it, it would be a work of supererogation for me to stand up here and say, "We will not attack Mr. A. and Mr. B or Mr. M. and Mr. P." If we expect our work to amount to anything, we should sit down together, as I know we can do. But no such proposition has been made to me, though that is what I supposed, from the remarks made here yesterday, would be done. I am ready to sit down with the gentlemen here now, in this room or any other place, and go over the list of members who voted for Senator Ingalls, and put in an authoritative shape, so that we may place it on file, an agreement which shall bind us, so far as we are concerned, in the introduction of proof.

The CHAIRMAN. The gentlemen have heard the views of the committee. If there are any witnesses present, let the examination proceed.

WIRT W. WALTON, a witness called by the memorialists, sworn and examined:

By Mr. RIGGS:

Question. State what official position you held in connection with the last house of representatives of the Kansas legislature.—Answer. I was its chief clerk.

Q. Of how many members was the last legislature of Kansas composed, stating the senate and house separately?—A. Forty senators and 129 representatives.

Q. If you know, state the political complexion of those two houses.—A. I have a roster, reported to me by the individual members of the two bodies immediately after the close of the session, stating their politics, age, religion, and answers to other questions asked by the secretary of state and myself for the purpose of a political roster. I have that.

Q. How many Republicans were there in the senate?—A. In the senate I think there were 36 Republicans and 4 who were not Republicans.

Q. What did they call themselves?—A. I think there were two Democrats. The exceptions to the Republican ranks were Mr. Robinson,

who represents himself as a Greenbacker; Mr. Matthewson, a Democrat; Mr. Pyburn, a Democrat; and Mr. Spurgeon, a National or Greenbacker—36 Republicans and 4 not Republicans.

Q. The others than those you have named were all Republicans?—A. So I understand.

Q. Of the members of the house, state the politics.—A. Beginning alphabetically, the first one I find in the responses to my questions is Mr. Baker, who was a National Greenbacker. Then Mr. Barrackman, a Greenback Republican; Mr. Berry, Greenbacker; Mr. Blackman, qualifiedly Republican; Mr. Brinkman, Democrat; Mr. Butts, Democrat; Mr. Corbin, Democrat; Mr. Ellison, Greenbacker; Mr. Ewing, Democrat; Mr. Farris, Greenback Democrat; Mr. Gable, Frank M., Democrat; Mr. Gable, Thomas P., Democrat; Mr. Greever, Tilden Democrat; Mr. Griffenstein, Democrat; Mr. Hall, Democrat; Mr. Hamilton, of Marshall, Greenbacker; Mr. Helmick, Greenbacker; Mr. Henderson, Democrat; Mr. Hutchison, Greenbacker; Mr. James, of Wyandotte, Democrat; Mr. Leonard, National; Mr. Majors, National Greenbacker; Mr. Martin, of Labette, Greenbacker; Mr. Martin, of Miami, Democrat; Mr. McClintick, Greenback Independent; Mr. Parsons, Democrat; Mr. Prunty, Democrat; Mr. Rath, National, rather Independent; Mr. Riggs, Independent; Mr. Rood, Greenbacker; Mr. Sallee, Democrat; Mr. Scott, Greenbacker; Mr. Tallman, Democrat; Mr. Wait, of Linn, National Greenback Labor; and Mr. Watson, Greenbacker—making 35 who represented themselves as not Republicans.

Q. With these exceptions, the members were Republicans?—A. All the rest were Republicans, so far as I know.

Q. Upon what day did the legislature of Kansas organize?—A. On Tuesday, the 14th day of January, 1879.

Q. Upon what day was the first ballot taken for United States Senator?—A. The first ballot was taken in the house on the 28th day of January, 1879.

Q. Was the first ballot in the senate on the same day?—A. The first ballot in the senate was taken on the same day; the joint convention was held on the day following.

Q. Can you give the votes of the members of the senate, their names, and the names of the candidates voted for by them?—A. No, sir; for the reason that that was reported in the senate, and the record I have simply shows that the clerks agreed in their tallies and that the joint convention proceeded to ballot.

Q. Give the result of that first day's balloting, as reported in joint convention on the next day by the secretary of the senate.—A. The record before me does not state it. It simply says:

Resolved, That the convention do now proceed, without debate, to vote for a United States Senator to serve for six years from the 4th day of March, 1879.

There being a quorum of the joint convention present, the secretary of the senate and chief clerk of the house read their respective journals of yesterday relative to the election of United States Senator, and the clerks agreed in their tallies.

That is the only record the house has of the vote of the senate.

Q. You may state, then, from memory or the information before you what was the result in the senate on the first day.—A. I should not like to.

Q. Can you possess yourself of that information so as to refresh your recollection?—A. Yes, sir; but not just at this moment.

Q. Give the result of the balloting in the house on the first day.—A. John J. Ingalls received 47 votes, George T. Anthony received 20 votes, John R. Goodlin received 20 votes, D. P. Mitchell received 17

votes, Benjamin F. Simpson received 10 votes, William A. Phillips received 7 votes, William P. Campbell received 3 votes, Samuel C. Pomeroy received 2 votes, Albert H. Horton received 1 vote."

Q. Give the names of the persons voting for these different candidates.—A. "Representatives voting for Mr. Ingalls were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Barrackman, Boggs, Bower, Breyfogle, Briggs, Brouson, Brown, Bruner, Calvin, Clark, Cool, Cunningham, Danhauf, Eckles, Gillespie, Gilmore, Hartshorne, Hossack, James of Shawnee, Keller, Kollock, Lawson, Manning, Martin of Kingman, McCrumb, McKay, Myers, Price, Robb, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Tucker, Waite of Pawnee, Walker, Willey, Wilson of Jackson, Wilson of Nehama, and Woodard.

"Representatives voting for Mr. Anthony were: Messrs. Armstrong, Barber, Bissell, Bull, Clapp, Clogston, Eastland, Fisler, Hankins, Hodge, Legate, Loy, Miller, Randolph, Raybell, Spilman, Towle, Wait of Lincoln, Wright, and Speaker Clarke.

"Representatives voting for Mr. Goodin were: Messrs. Beatty, Bevius, Brinkman, Butts, Corbin, Donahue, Ewing, Farris, Gable (Frank M.), Gable (Thomas P.), Greever, Hall, Henderson, James of Wyandotte, Martin of Miami, Parsons, Prunty, Rath, Sallee, and Tallman.

"Representatives voting for Mr. Mitchell were: Messrs. Baker, Berry, Blackman, Blanchard, Ellison, Hamilton of Marshall, Helmick, Hewins, Hutchison, Leonard, Majors, Martin of Labette, McMillen, Riggs, Rood, Scott, Wait of Linn, and Watson.

"Gentlemen voting for Mr. Simpson were: Representatives Biddle, Eggers, Godfrey, Hamilton of Norton, Huffaker, Humes, Kelly, Richards, and Selover.

"Gentlemen voting for Mr. Phillips were: Representatives Bishop, Faulkner, Kennedy, McClintick, Moore, Morgan, and White.

"Gentlemen voting for Mr. Campbell were: Representatives Congdon, Greiffenstein, and Taylor.

"Representatives Callen and Stumbaugh voted for Mr. Pomeroy.

"Representative Ballard voted for Mr. Horton.

"Representative Rice did not vote."

Then the House adjourned.

Q. On what day was the first vote in joint session taken?—A. On the 29th of January.

Q. Give the votes as cast there for the candidates, stating the senate and house separately.—A. "There being no nomination, the roll of the senate was called, with the following result: John J. Ingalls received 16 votes; George T. Anthony received 6 votes; Benjamin F. Simpson received 6 votes; William A. Phillips received 4 votes; John R. Goodin received 2 votes; D. P. Mitchell received 2 votes; W. P. Campbell received 2 votes; A. H. Horton received 2 votes.

"The roll of the house was called, with the following result: Mr. Ingalls received 47 votes; Mr. Anthony received 20 votes; Mr. Simpson received 11 votes; Mr. Phillips received 10 votes; Mr. Goodin received 20 votes; Mr. Mitchell received 16 votes; Mr. Campbell received 2 votes; Mr. Pomeroy received 2 votes; Mr. Horton received 1 vote.

"The total number of votes cast was as follows: For Mr. Ingalls, 63 votes; for Mr. Anthony, 26 votes; for Mr. Simpson, 17 votes; for Mr. Phillips, 14 votes; for Mr. Goodin, 22 votes; for Mr. Mitchell, 18 votes; for Mr. Campbell, 4 votes; for Mr. Horton, 3 votes; for Mr. Pomeroy, 2 votes.

"Senators voting for Mr. Ingalls were: Messrs. Benedict, Buchan,

Carpenter, Finch, Grass, Griffin, Hallowell, Johnston, Kirk, Metsker, Murdock, Ping, Taylor, Williams, and Woodworth.

"Representatives voting for Mr. Ingalls were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Blackman, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bruner, Calvin, Clark, Cunningham, Danhaur, Eckles, Gillespie, Gilmore, Hartsborne, James of Shawnee, Keller, Kollock, Lawson, Manning, Martin of Kingman, McCrumb, Myers, Price, Richards, Robb, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Towle, Tucker, Waite of Pawnee, Walker, Willey, Wilson of Jackson, and Wilson of Nehama.

"Senators voting for Mr. Anthony were: Messrs. Bradley, Finney, Gillett, Gillpatrick, Harris, and Henry.

"Representatives voting for Mr. Anthony were: Messrs. Armstrong, Barber, Bissell, Bull, Clapp, Clogston, Eastland, Fisler, Hawkins, Hodge, Hossack, Legate, Loy, Miller, Randolph, Raybell, Spilman, Wait of Lincoln, Wright, and Speaker Clarke.

"Senators voting for Mr. Simpson were: Messrs. Bradbury, Brown, Green, Hadley, Kellogg, and Morrill.

"Representatives voting for Mr. Simpson were: Messrs. Biddle, Eggers, Games, Godfrey, Hamilton of Norton, Huffaker, Humes, Kelly, McKay, Rice, and Selover.

"Senators voting for Mr. Phillips were: Messrs. Evans, Richey, Savage, and Wells.

"Representatives voting for Mr. Phillips were: Messrs. Bishop, Ellison, Faulkner, Hamilton of Marshall, Hutchinson, Kennedy, McClintick, Moore, Morgan and White.

"Senators voting for Mr. Goodin were: Messrs. Matthewson and Pyburn.

"Representatives voting for Mr. Goodin were: Messrs. Beaty, Bevins, Brinkman, Butts, Corbin, Donahue, Ewing, Gable (Frank M.), Gable (Thomas P.), Greever, Greiffenstein, Hall, Henderson, James of Wyandotte, Martin of Miami, Parsons, Prunty, Roth, Sallee, and Tallman.

"Senators voting for Mr. Mitchell were: Messrs. Robinson and Spurgeon.

"Representatives voting for Mr. Mitchell were: Messrs. Baker, Barckman, Berry, Blanchard, Farris, Helmick, Hewius, Leonard, Majors, Martin of Labette, McMillen, Riggs, Rood, Scott, Wait of Linn, and Watson.

"Gentlemen voting for Mr. Campbell were: Senators Nichols and Sluss, and Representatives Congdon and Taylor.

"Gentlemen voting for Mr. Horton were: Senators Guthrie and Myers, and Representative Ballard.

"Gentlemen voting for Mr. Pomeroy were: Representatives Callen and Stumbaugh.

"Whole number of votes cast, 169; necessary to a choice, 85.

"No person receiving a majority of all the votes cast, there was no election."

Q. When was the next vote taken?—A. On the following day.

Q. That was on Thursday?—A. Thursday, January 30.

Q. Give the result of that vote.—A. The roll of the Senate was called with the following result: Mr. Ingalls received 17 votes; Mr. Anthony received 5 votes; Mr. Mitchell received 2 votes; Mr. Simpson received 7 votes; Mr. Goodin received 2 votes; Mr. Phillips received 4 votes; Mr. Horton received 2 votes; Mr. Campbell received 1 vote.

"The roll of the house was called, with the following result: Mr.

Ingalls received 55 votes; Mr. Anthony received 20 votes; Mr. Mitchell received 16 votes; Mr. Simpson received 10 votes; Mr. Goodin received 15 votes; Mr. Phillips received 9 votes; Mr. Pomeroy received 3 votes.

"The total number of votes cast was as follows: Mr. Ingalls received 72 votes; Mr. Anthony received 25 votes; Mr. Mitchell received 18 votes; Mr. Simpson received 17 votes; Mr. Goodin received 17 votes; Mr. Phillips received 13 votes; Mr. Pomeroy received 3 votes; Mr. Horton received 2 votes; Mr. Campbell received 1 vote.

"Senators voting for Mr. Ingalls were: Messrs. Benedict, Buchan, Carpenter, Finch, Grass, Griffin, Hallowell, Hamlin, Johnston, Kirk, Metsker, Murdock, Ping, Sluss, Taylor, Williams, and Woodworth.

"Representatives voting for Mr. Ingalls were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Ballard, Berry, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bruner, Calvin, Clark, Cool, Corbin, Cunningham, Danhaur, Donahue, Eckles, Gillespie, Gilmore, Greever, Harts-horne, Hankins, Hewins, Hossack, Huffaker, James of Shawnee, James of Wyandotte, Kollock, Lawson, Manning, McCrumb, Myers, Price, Richards, Robb, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Towle, Tucker, Waite of Pawnee, Walker, Willey, Wilson of Jackson, and Wilson of Nehama.

"Senators voting for Mr. Anthony were: Messrs. Bradley, Finney, Gillette, Gillpatrick, and Henry.

"Representatives voting for Mr. Anthony were: Messrs. Armstrong, Barber, Bissell, Bull, Clapp, Clogston, Congdon, Eastland, Fisler, Hodge, Legate, Loy, Miller, Randolph, Raybell, Spillman, Taylor, Wait of Lincoln, Wright, and Speaker Clarke.

"Senators voting for Mr. Mitchell were: Messrs. Robinson and Surgeon.

"Representatives voting for Mr. Mitchell were: Messrs. Baker, Barrackman, Farris, Hamilton of Marshall, Helmick, Hutchison, Leonard, Majors, Martin of Labette, McMillen, Rath, Riggs, Scott, Wait of Linn, and Watson.

"Senators voting for Mr. Phillips were: Messrs. Grass, Richey, Savage, and Wells.

"Representatives voting for Mr. Mitchell were: Messrs. Bishop, Ellison, Faulkner, Kennedy, McClintick, Moore, Morgau, White, and Woodard.

"Senators voting for Mr. Simpson were: Messrs. Bradbury, Brown, Green, Hadley, Harris, Kellogg, and Morrill.

"Representatives voting for Mr. Simpson were: Messrs. Biddle, Eggers, Games, Godfrey, Hamilton of Norton, Huffaker, Humes, Kelly, McKay, and Seaton.

"Representatives voting for Mr. Pomeroy were: Messrs. Callen, Martin of Kingman, and Stumbaugh.

"Senators voting for Mr. Horton were: Messrs. Guthrie and Myers.

"Senator Nichols voted for Mr. Campbell.

"Representative Rice was absent and did not vote.

"Whole number of votes cast, 168; necessary to a choice, 85.

"No person having received a majority of all the votes cast, there was no election."

Q. When was the next vote taken in joint session?—A. On Friday, January 31.

Q. Give the result of that ballot.—A. It was—

"The roll of the senate was called, with the following result: Mr. Ingalls received 22 votes. Mr. Horton received 18 votes.

"The roll of the house was called, with the following result: Mr. Ingalls received 64 votes. Mr. Horton received 62 votes. Mr. Goodin received 2 votes. Mr. Mitchell received 1 vote.

"Senators voting for Mr. Ingalls were: Messrs. Benedict, Buchan, Carpenter, Finch, Grass, Greene, Griffin, Hallowell, Hamlin, Harris, Johnston, Kirk, Matthewson, Metsker, Murdock, Ping, Pyburn, Robinson, Savage, Sluss, Taylor, and Woodworth.

"Representatives voting for Mr. Ingalls were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Ballard, Berry, Biddle, Bishop, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Brouson, Brown, Bruner, Calvin, Clark, Cool, Corbin, Cunningham, Danhaur, Donahue, Eckles, Gillespie, Gilmore, Godfrey, Greever, Hamilton of Marshall, Hartshorne, Hankins, Hewins, Hossack, Humes, James of Shawnee, James of Wyandotte, Keller, Kollock, Lawson, Leonard, Manning, McCrumb, Myers, Price, Richards, Robb, Rood, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Towle, Tucker, Waite of Pawnee, Walker, Willey, Wilson of Jackson, Wilson of Nehama, and Wright.

"Senators voting for Mr. Horton were: Messrs. Bradbury, Bradley, Brown, Evans, Finney, Gillett, Gillpatrick, Guthrie, Hadley, Henry, Kellogg, Morrill, Meyers, Nichols, Richey, Spurgeon, Wells, and Williams.

"Representatives voting for Mr. Horton were: Messrs. Armstrong, Baker, Barber, Barrackman, Beaty, Bevins, Bissell, Bull, Butts, Callen, Clapp, Clogston, Congdon, Eastland, Eggers, Ellison, Ewing, Farris, Faulkner, Fiesler, Gable (Frank M.), Gable (Thomas P.), Games, Griefenstein, Hall, Hamilton of Norton, Helmick, Hodge, Huffaker, Hutchison, Kelly, Kennedy, Legate, Loy, Majors, Martin of Kingman, Martin of Labette, McClintick, McKay, Miller, Moore, Morgan, Parsons, Prunty, Randolph, Rath, Raybell, Rice, Riggs, Sallee, Scott, Selover, Spilman, Stumbaugh, Tallman, Taylor, Wait of Lincoln, Wait of Liu, Watson, White, Woodard, and Speaker Clarke.

"Gentlemen voting for Mr. Goodin were: Representatives Henderson, and Martin of Miami.

"Representative McMillen voted for Mr. Mitchell.

"Whole number of votes cast, 169; necessary to a choice, 85.

"Mr. Ingalls received 86 votes. Mr. Horton received 80 votes. Mr. Goodin received 2 votes. Mr. Mitchell received 1 vote.

"Hon. John J. Ingalls having received a majority of all the votes cast, the president of the convention declared him re-elected to the position of United States Senator from Kansas for a term of six years, ending March 4, 1885."

That was the third and final ballot in join convention, making it the fourth in all, considering the votes in the separate houses on the first day.

Mr. BIGGS. We are now through with the witness at present.

The CHAIRMAN. Have the other side any questions to ask?

Mr. FENLON. No, sir.

On motion of Senator BAILEY, the committee took a recess until 2 o'clock p. m., at which time the committee reassembled.

The CHAIRMAN. I desire to state to counsel that the committee in consultation have passed the following order:

Ordered, That counsel for the memorialists furnish to the committee a list of the names of the members of the legislature of Kansas whose action in voting for Senator Ingalls it is not intended to impeach.

We do that for our own information, because we have been asked to

issue subpoenas for all the members of the legislature who voted for Senator Ingalls, and before passing upon the application we desire to be in possession of the information which this order will secure.

Mr. RIGGS. We should like to know what time you will give us to do that.

The CHAIRMAN. We will allow a reasonable time.

Mr. RIGGS. We shall do it by to-morrow morning.

The CHAIRMAN. Very well.

The names of the witnesses summoned who had reported to the sergeant-at arms were read.

The CHAIRMAN. Why cannot these witnesses be examined?

Mr. RIGGS. Some of the witnesses whose names have been called, I presume are witnesses for the respondent. I will state as to two or three of the others that the only reason we put their names on the subpoenas was that they lived at remote parts of the State, and we expected in the natural order of things it would be several days before they would be here, but accidentally they have come soon. It seems to us at present that there is no witness whom we can intelligently now produce. While we do not insist on any special order in the production of our proof, and will not ask that we be permitted to arrange our testimony after the witnesses have come here, yet at the same time I am inclined to think that the purposes of the investigation will not be furthered by the examination now of any of the witnesses we have here.

Mr. FENLON. Is not the prosecution ready to proceed with any testimony this afternoon?

The CHAIRMAN. I understand from counsel for the memorialists that there is no witness present whom they can proceed with now. The committee have as yet made no order on the subject, but have had some informal conversation, and they may make an order that as soon as witnesses report here they must be examined. We understand fully the embarrassments that surround counsel on each side in introducing testimony except in the order in which they desire. But the detention by this committee of witnesses who have reported is attended with inconvenience to the committee as well as expense to the government, and I have no doubt that unless witnesses are ready within a day or two—we want to give proper time to counsel to prepare themselves for the examination—we shall require when witnesses arrive here that they shall be examined and discharged.

Mr. RIGGS. Mr. Chairman, let me suggest that I very much fear some embarrassment will grow out of the fact that witnesses have been telegraphed for who possibly have not been reached by the telegrams, and in sending out the subpoenas the names of those witnesses may not have been included in the subpoenas. I know the sergeant-at-arms is covering that contingency as rapidly as he can, but I am inclined to think from what I know of the residence of the various witnesses that it will be necessary to send out more than one assistant in order to get them here within a reasonable time; and we shall ask, if it is in the power of the committee to grant the request, that additional sergeants-at-arms may be allowed, so that all the witnesses may be brought here without delay.

The CHAIRMAN. In making services of subpoenas upon witnesses, the sergeant-at-arms desires counsel on the respective sides to indicate to him persons that they consider efficient and satisfactory to them to send out with the subpoenas. If the counsel could agree upon some one to make service upon any particular line of road he could serve the subpoenas for both sides at the same time. The sergeant-at-arms, anxious to discharge his duty without seeming partiality for one side or the other,

has indicated his desire to have the deputies whom he shall appoint selected by the counsel on the respective sides. If the counsel can agree upon some one to make the service for both sides on the same line of road, it would save considerable time and expense.

Mr. PECK. I will state that we understood an assistant was appointed at the suggestion of counsel for the memorialists yesterday, Mr. Higgins. We agreed among ourselves upon another gentleman, whose name has been given to the sergeant-at-arms, and who has been sent for and will be here to-night in all probability. Both of those gentlemen will be satisfactory to both sides, I presume.

Mr. BIGGS. Who is the party you indicated ?

Mr. PECK. Mr. E. R. Smith, of Linu County.

Mr. BIGGS. As far as I am concerned, he is entirely satisfactory.

Mr. PECK. Either of those gentlemen, I presume, will be satisfactory to each side.

Mr. BIGGS. I suggest that two assistants, in addition to Mr. Higgins and Mr. Smith, would not be too many.

The CHAIRMAN. If the counsel will agree upon the same persons we will give them all the facilities they need to get their witnesses. We ought not to have two persons running down the same line. I see by the subpoenas issued that there are several witnesses in the city summoned on the part of the respondent. I do not know, of course, for what purpose they are summoned, but I ask counsel for the respondent if they are summoned upon matters as to which they could at this moment introduce them ?

Mr. PECK. No testimony having been offered by the counsel for the memorialists, except as to the political complexion of the legislature, which we admit to be correctly proven, it would hardly be suitable at this time for us to introduce proof.

The CHAIRMAN. Of course the defendant is not expected to produce his testimony until he knows what is alleged against him and what is to be proved against him. I merely made the suggestion. I did not know what the points might be upon which the witnesses now here were summoned by the respondent; I thought it might be something on which there would be no proof offered on the other side.

Mr. PECK. In that event it would become necessary for us to offer the testimony.

The CHAIRMAN. The committee are impressed with the idea that counsel on the part of the memorialists are seeking to facilitate this examination as much as they can, and therefore wish to extend them leniency in permitting them to wait on their evidence for a short time. We shall, however, expect the counsel to be ready to-morrow if they can possibly be.

On motion, the committee adjourned until to-morrow, at 10 o'clock a. m.

WEDNESDAY, *September 24, 1879.*

The committee met pursuant to adjournment.

Present, The chairman, and Senators Bailey, Vance, Cameron, and Logan; also Messrs. Eggers, Stumbaugh, and Riggs, of counsel for the memorialists, and the respondent with his counsel.

William C. Webb, esq., was permitted to appear as additional counsel for the memorialists.

Mr. STUMBAUGH. Mr. Chairman, in compliance with the order of

your honorable committee, made yesterday, on behalf of the counsel for the memorialists, I present a list of senators and members of the house of representatives of the Kansas legislature about the integrity of whose votes for Mr. Ingalls we do not intend to offer any evidence. It will be observed that by this list there are 17 senators and 47 members of the house, in all 64, who are eliminated from the 86.

The CHAIRMAN. A paper was submitted yesterday signed by several gentlemen who asked that it be filed and placed among the records of this committee. The purport of the paper is a denial of certain allegations made in the memorials against the parties signing this paper, with a request that the charges be thoroughly investigated. We are engaged in the object of the prayer of this paper. The paper itself is a statement not under oath, and consequently it is not a paper which we could receive any more than we could a similar statement published in any of the newspapers of the State. The committee, therefore, having considered the matter, return the paper to the counsel or to the parties presenting it. It is not testimony; it can have no bearing on the case we are here to investigate. We are here to investigate in a particular manner, by the examination of witnesses under oath; and *ex parte* statements on the one side or the other cannot be properly received.

Mr. PECK. Will the committee permit counsel for the respondent to examine the paper filed this morning by the memorialists?

The CHAIRMAN. Certainly.

Mr. FENLON. It is proper to remark that the counsel for the respondent never did consider the paper which is returned by the chairman to its signers as evidence in the case, but as a denial by the gentlemen signing it.

The CHAIRMAN. It must be very apparent that if we admitted statements from one party in reference to his case and put them among the files, we should be bound to receive statements not under oath from the other side. Counsel may proceed with the examination of witnesses.

LOUIS M. H. WOOD, a witness called by the memorialists, sworn and examined.

By Mr. RIGGS:

Question. What is your business?—Answer. I am an architect.

Q. State whether or not you know the Tefft House in this city.—A. I am more or less familiar with it.

Q. State whether or not you have prepared diagrams of any portion of the Tefft House, showing the rooms with their arrangement, the halls, and the numbers of the rooms?—A. I have.

Q. Have you those diagrams with you?—A. Yes, sir.

Q. Produce them to the committee.—A. (Producing papers.) These are the diagrams.

Q. There are two floors represented by this sheet?—A. The second and third floors.

Q. That is, the first above the office and the one above that?—A. Yes, sir.

Q. Do the numbers on the areas covered by these lines indicate the numbers of the rooms?—A. The numbers of the rooms.

Q. Stairways you have marked "stairs" and halls you have marked "corridors"?—A. Yes.

Q. State whether or not that plan was drawn to a scale?—A. Yes, sir; it is drawn to a scale.

Q. And the measurements made on which to base it?—A. Yes, sir; I took the measurements from the building.

Q. What is the scale ?—A. Eight feet to one inch.

Mr. RIGGS. We offer that plan in evidence.

The CHAIRMAN. There is no objection, I suppose ?

Mr. PECK and Mr. FENELON. None.

FRANK PLAYTER, a witness called by the memorialists, sworn and examined.

By Mr. WEBB :

Question. You reside in the city of Girard, county of Crawford, in this State ?—Answer. Yes, sir.

Q. What is your business ?—A. I have been engaged in banking there.

Q. Did you reside there during last fall and winter ?—A. I did.

Q. How many representative districts are there in Crawford County ?—A. Two.

Q. What are their numbers ?—A. That I do not recollect.

Q. Who were the representatives from Crawford County in the lower house of the Kansas legislature at the last session ?—A. E. W. Majors and James A. Hossack.

Q. Who represented the district in which you reside ?—A. E. W. Majors.

Q. Were you personally acquainted with Representative James A. Hossack ?—A. I was.

Q. How long have you known him ?—A. I have known him since he first came to the State, which was two years ago this last spring—two years ago in April.

Q. Was he elected as a Republican, Democrat, or a Greenbacker ?—A. He was elected as a Republican.

Q. State whether you had any conversation with him after his election and before the convening of the legislature with respect to his wishes or choice for a United States Senator to be elected by that legislature.—A. I had.

Q. Do you know who his choice was for United States Senator ?—A. He expressed himself as favorable to George T. Anthony.

Q. When was that ?—A. At different times prior to the convening of the legislature.

Q. Were you yourself here at Topeka at any time during the session of the legislature and before the election of United States Senator ?—A. I was.

Q. When did you first come here ?—A. I arrived in Topeka the Sunday afternoon preceding the Senatorial election.

Q. Did you see Mr. Hossack on that day or evening ?—A. I did.

Q. State whether you had any conversation with him at that time with respect to the Senatorship and his choice ?—A. I had.

Q. Did he express any opinion to you then as to his choice ? State what he said in that regard.—A. He expressed himself, as he had before, as favorable to Mr. Anthony's election.

Q. Did you have any conversation with him at any time subsequently to that Sunday evening on the same point ?

Mr. EVEREST. Mr. Chairman, we had hoped that what might be called hearsay evidence, declarations made in the absence of the respondent, would not be pressed. We cannot afford, of course, to raise technical objections, but the honorable committee can perceive for themselves that in no court of justice would declarations of a party made in the absence of the respondent, which had nothing whatever to do with the subject-matter of the issue, be received. I merely make this as a suggestion.

The CHAIRMAN. I would say to counsel on both sides that I indicated at the opening of this investigation that it was desirable that the examination of witnesses should be directed to the matters in issue in this controversy. There have never been any rules adopted covering the admission of testimony before the legislative committees. The practice has been, I am sorry to say, too open the door entirely too wide in all such investigations. I think the records of the Senate and the records of the investigations of this committee will show that the door has been widely opened and entirely too much latitude given, in my judgment. If we were to be governed by the precedents which have obtained in legislative investigations, and even in investigations by this committee, I do not know what could be excluded. There are no rules, as I before remarked, to govern the examination of witnesses and the admission of testimony by legislative committees. The matter rests entirely in the discretion of the committee making the examination. Of course, it is impossible for the committee to know the object of the inquiries or what may follow after the answers which are made. In this particular instance I do not understand that there is an objection made, but a suggestion as to the propriety of the course which is being pursued.

Mr. EVEREST. That is all. We cannot afford to be technical.

The CHAIRMAN. Until an objection is made to the examination of a witness, the committee is not called upon to pass on the question.

Q. (By Mr. WEBB.) Did you have any further conversation with Mr. Hossack in regard to his choice for Senator? and, if so, state when it was and what he said.—A. I saw him again on Monday early in the afternoon. At that time he said that he was going to attend the Ingalls caucus that evening.

Q. Was that all of his conversation at that time?—A. That was all at that time.

Q. Did you have any other conversation at any subsequent period? and, if so, state what it was and what he said.—A. The next time that I saw Mr. Hossack he came to my room on Tuesday morning.

Q. Where was it?—A. In the Tefft House.

Q. What number?—A. I do not recollect now.

Q. On what floor?—A. It was on the third floor.

Q. State what he said, if anything.—A. At that time the question of the caucus of the evening before was mentioned, and I asked him why he had changed his mind from the opinion he had expressed prior to Monday as to his choice of candidates. He then stated to me the reason that he had attended the Ingalls's canvass and was favoring Ingalls's candidature.

Q. State what he said as the reason for changing his mind.—A. He said that he had been offered money for his vote and had been paid some on the offer.

Q. Just state what he did say.—A. He stated that he had been offered a thousand dollars for his vote, and that they had paid him \$200 of the money and were to pay the balance of five hundred before the election and five hundred afterwards.

Q. Did he say who had made him the offer? If he did, state what he said.—A. He said that he had had a personal interview with Mr. Ingalls in which he had referred him to Mr. Merritt and Mr. Wilson, and Mr. Merritt had paid him the \$200, and that they had promised to pay him the balance.

Q. Did he give Mr. Merritt's and Mr. Wilson's first names; and if he did, state them.—A. I think that he did. He spoke of them as Jo. Wilson and Jim Merritt.

Q. Did you you know Mr. Wilson and Mr. Merritt?—A. I did not at that time.

Q. You may state all the conversation with respect to that particular matter—what he said concerning the offer and receipt of money in your room on that occasion, which you say was Tuesday morning.—A. I have stated, in substance, all that was said. He stated that Mr. Ingalls had sent for him for an interview, and that he had talked with him concerning his vote. He stated that he had told Mr. Ingalls that he was poor and that his vote was a matter of business with him, and Mr. Ingalls asked him how much he wanted, and he told me that he then referred him to Wilson and Merritt; that he saw them, and that Mr. Merritt paid him the \$200. That was the substance of the conversation.

Q. This was on Tuesday morning. State when you next saw him and had any conversation with him, if at all, upon that same subject of his vote, for whom and for what to be given.—A. He was at my room frequently during the day, and the three following days. He was not boarding at the Tefft House himself, but was frequently at my room, and the matter was talked of at different times.

Q. What, if anything, did he say concerning that same question or matter on these different occasions?—A. He said on Wednesday that he was to have the balance of the \$500 before the joint ballot, but that it had not been paid to him, and unless it was paid he should cast his vote for Governor Anthony.

Q. Were you present in the hall of the house of representatives on Tuesday when the house voted separately, and do you know how Mr. Hossack voted?—A. I was in the hall in the seat beside Mr. Hossack when the vote was cast.

Q. How did he vote on Tuesday?—A. I was not present on Tuesday. I thought you referred to another day.

Q. I suppose the record shows how he did vote. Were you present on Wednesday, the day of the first sitting of the joint convention?—A. I was in the hall on Wednesday, the day of the first meeting of the joint session, sitting by the side of Mr. Hossack.

Q. For whom did he vote for United States Senator?—A. He voted for Governor Anthony.

Q. Was this before or after he had told you, that unless he received the remainder of the \$500 he should vote for Anthony?—A. It was after. It was on Wednesday morning that we had that conversation. I walked with him from my room to the capitol building and remained with him during the sitting.

Q. Had you any conversation with him on Thursday on the same subject at any time or times? And, if so, state them in the order in which they occurred and what occurred on each occasion.—A. He stated on Thursday that he had received two hundred dollars more of the five, and that the other hundred had been arranged so that it was the same as received.

Q. What time of the day was that?—A. He spoke of it Thursday morning, and then again in the evening of Thursday.

Q. Were you present in the house of representatives when the joint convention was in session, and did you know how Mr. Hossack voted on that occasion?—A. I was present. He voted for Mr. Ingalls.

Q. State whether you had any other conversation with Mr. Hossack on that same day, or the night of that day, Thursday?—A. On the night of Thursday I had a conversation with him.

Q. Where was that?—A. In my room at the Tefft House.

Q. Was any one present on that occasion besides yourself and Mr. Hossack?—A. E. H. Brown was present; we occupied the room jointly.

Q. State what was said and what took place there in that room that night between yourself, Hossack, and Brown?—A. I asked Mr. Hossack at that time if he had any objection to giving me a statement in writing, setting up the facts that he had stated to me orally concerning his receiving money for his vote.

Q. What did he say?—A. He said that he had no objection.

Q. Did he give you such a statement?—A. He did.

Q. Who wrote it?—A. I did.

Q. Was it read to or read by Mr. Hossack?—A. It was.

Q. Which?—A. Read by him.

Q. State whether or not it was signed by him?—A. It was.

Q. In whose presence was it signed by Hossack?—A. Mr. Brown was present.

Q. And you?—A. Myself. At least I think Mr. Brown was present. He was in and out of the room two or three times during the evening, but he was there most of the time, and I think was present at the signing. He was there while the paper was lying on the table and witnessed the signature, and I think was present at the signing.

Q. Who took possession of that paper that night, yourself, Brown, or Hossack?—A. I took possession of it.

Q. How long did you have that paper in your possession or under your control?—A. I had it for about three weeks, I think.

Q. Then what did you do with it?—A. I returned it to Mr. Hossack?

Q. State whether or not at any time you made a copy of the paper?—A. I did.

Q. When did you make such copy?—A. A copy was made the Tuesday following the Senatorial election at the Tefft House, Topeka.

Q. Have you ever seen the original paper since you returned it to Mr. Hossack?—A. I have not.

Q. Do you know where it is?—A. I do not.

Q. Have you the copy of that paper which you made on the Tuesday subsequent to the election?—A. I have.

Q. Have you it with you?—A. I have.

Q. Please produce it.—A. (Producing paper.) This is it.

Mr. WEBB. We propose to offer it.

Mr. WILLIAMS. We have no objection.

Mr. WEBB. Then we offer this paper in evidence.

Mr. RIGGS read the paper received in evidence as follows:

TOPEKA, Ks., January 30, 1879

I hereby certify that, as a member of the legislature of the State of Kansas, I was approached personally by John J. Ingalls for my vote, and was offered money provided I would vote for him. The sum agreed upon was one thousand dollars (\$1,000), five hundred to be paid down, and five hundred the first of March. I was referred by Mr. Ingalls to J. Merritt and J. Wilson, who paid me the five hundred dollars, and Mr. Ingalls agreed to pay the remaining five hundred the first of March.

J. A. HOSSACK.

Witness to this signature:

E. H. BROWN.

Q. (By Mr. WEBB.) You may state whether you showed the original paper, of which the paper in evidence is a copy, to any person after you took possession of it that night; and, if so, state to whom you first showed it?—A. I think that I first showed it to Mr. Ingalls himself.

Q. Did you show it to Mr. Ingalls?—A. I did.

Q. Where did you show it to him?—A. In his room at the Tefft House.

Q. Can you give the number of his room?—A. No; I cannot give the number.

Q. On what floor was it?—A. On the second floor, the corner room, the southeast corner.

Q. At what time did you show it to Mr. Ingalls?—A. It was on Friday morning.

Q. Before the election of Senator or after?—A. Before.

Q. What time in the morning was it?—A. I think about ten o'clock.

Q. You say you showed it to Mr. Ingalls in his room. State how you came to go to his room?—A. Judge Perkins came to me and said Mr. Ingalls wanted to see me. I went at his invitation and request.

Q. Who is Judge Perkins?—A. He is the judge of the eleventh judicial district of this State.

Q. Crawford County is one of the counties of that district?—A. Crawford is one of the counties of that district.

Q. Were you personally acquainted with Judge Perkins?—A. Yes; I have a personal and intimate acquaintance with Judge Perkins.

Q. Do you know whether he was a personal and political friend of Senator Ingalls and his supporter?—A. He was working for Senator Ingalls in that canvass.

Q. Was he here in Topeka at that time?—A. He was in Topeka.

Q. Did he accompany you to Ingalls's room?—A. Yes; he went with

Q. You may state now what you said to Mr. Ingalls and what Mr. Ingalls said to you, if anything, concerning that paper; and what, if anything, was done with the paper while you were there in the room?—A. There was nothing done with the paper except to show it to him.

Q. State the conversation that took place between yourself and Mr. Ingalls, if any did take place, before you showed him the paper.—A. Mr. Ingalls said that he wanted to know if I could do anything to assist him in relation to Mr. Major's vote, and we had a conversation for some length of time. I told him that I did not know that I was under any obligation or felt any inclination to do anything for him, and in the course of the conversation showed him this paper.

Q. Signed by Mr. Hossack?—A. Signed by Mr. Hossack.

Q. When you showed the paper to Mr. Ingalls, what did Mr. Ingalls say, if anything?—A. He expressed himself in a very angry manner; said it was an attempt to blackmail him—the production of the paper to him—and said if any attempt was made to use it, the party attempting would be prosecuted.

Q. Go on and state all that he said and what you said, if anything.—A. I replied to him that the interview had not been at my solicitation, but at his, and that I had no use to make of it, or at least expressed no intention of making any use of the paper and did not know that I should. I merely showed it to him to let him know that I had that information.

Q. Go on and state all the conversation that took place, if any further did take place?—A. That was in substance all that was said in relation to the paper in that conversation. While we were talking about it several others came to the room, and I left immediately after. Mr. Ingalls called for Mr. Wilson while I was there, and I left the room. Several others entered the room about that time, and I left.

Q. What Wilson was it that he called for?—A. Jo. Wilson.

Q. Did Mr. Wilson come in while you were there, or as you were leaving?—A. I think he came in as I left the room.

Q. You say you showed the original paper signed by Hossack to Mr. Ingalls. State whether or not Mr. Ingalls read it?—A. He did read it.

Q. Having it in his own hand at the time?—A. He had.

Q. Did Mr. Ingalls make any denial of the truth of the matters recited or stated in that paper, or any admission of it?—A. There was neither denial nor admission made at the time. He was very much excited and very angry, expressed himself in that way.

Q. Where did you go when you left Mr. Ingalls's room?—A. I went to my own room shortly afterwards.

Q. Did you see Mr. Wilson that morning?—A. Mr. Wilson called at my room a few minutes after I reached there.

Q. The same Mr. Wilson that came into Mr. Ingalls's room as you were leaving?—A. The same Mr. Wilson.

Q. What took place there in your room between yourself and Mr. Wilson on that occasion with respect to that paper, if anything?—A. He said he understood I had a paper of that kind and wanted to see it.

Q. Did you show it to him?—A. I did.

Q. State what he said, if anything, concerning it?—A. He said that any person attempting to make any use of it would be arrested and prosecuted, and repeated those threats repeatedly.

Q. What further, if anything, took place there between yourself and Mr. Wilson respecting that paper?—A. He asked me repeatedly if I proposed doing anything with it. I told him that I did not know that I did, that I merely got it to preserve the information, and expected to keep it. That was about all that was said.

Q. Was that the same Mr. Wilson whose name is mentioned in the paper?—A. The same party that was referred to there.

Q. Now you may state whether Mr. Wilson either admitted or denied the truth of the matters set forth in the paper itself?—A. He did not. There was nothing said about it in that connection one way or the other.

Q. This was before the sitting of the joint convention that day?—A. It was before the sitting of the joint convention.

Q. Did you go to the capitol that day before the sitting of the convention?—A. I did.

Q. Who accompanied you there, if any one?—A. Mr. Hossack and I walked up together from town to the capitol building.

Q. Did you go into the hall of the house of representatives?—A. I did not before the ballot.

Q. Why not?—A. At the entrance hall we met Mr. Merritt, and Mr. Merritt and Mr. Hossack both wanted me to not go up, and at their solicitation I remained with Mr. Merritt in the secretary of state's office below during the ballot.

Q. Is that the same Mr. Merritt whose name is mentioned in that paper?—A. The same party.

Q. If Mr. Merritt made any statement on the stairway or any other place before you went with him into the secretary of state's office, state what he said either to yourself or to Mr. Hossack or both.—A. Well, he begged of me not to go on up into the hall.

Q. What did he say, if anything? Use his own words if you can.—A. Well, he was very much excited and got me by the arm right at the first landing going up stairs and said he, "Good God, boys you are not going to go on up," and he stayed there pleading with me not to do so, and I at his solicitation and Mr. Hossack's returned with him to the secretary of state's office and staid there until the ballot was over.

Q. Mr. Hossack went up and voted?—A. Mr. Hossack went up and voted.

Cross-examination by Mr. WILLIAMS:

Q. What was your business when you came to Topeka last winter?

—A. I was engaged in the business of banking at Girard.

Q. What business brought you to Topeka?—A. I came to attend the Senatorial election.

Q. What else?—A. I was watching to get a change in the railroad aid law. I had a bill prepared asking for a change and came up in the interest of that.

Q. Anything else?—A. Nothing else.

Q. Did you have any business to settle with the treasurer of state?—A. I had not personally any business to settle with him.

Q. Who was the county treasurer of Crawford County at that time?

—A. W. A. Curtis.

Q. Did he have any money deposited with you at that time?—A. He did.

Q. Did he have a settlement to make with the State treasurer for taxes?—A. He had been to Topeka the week previous and made his settlement.

Q. Did he have a payment to make to the State treasurer?—A. He had a payment to make.

Q. Did you agree to make it?—A. Yes.

Q. Did you make it?—A. I did.

Q. When?—A. Sometime in the fore part of February.

Q. How long after you came here did you make that payment?—A. It was sometime in February, some two or three weeks after.

Q. You had considerable negotiation with the State treasurer during that time over the matter, had you not?—A. No; I had not.

Q. Did you try to get the State treasurer to take a certain note and mortgage in settlement of those taxes?—A. I did not.

Q. Did you ask him to take a note and mortgage in payment of those taxes?—A. I did not.

Q. Did you try to sell him a note and mortgage during that time?—A. No.

Q. Did you bring a note and mortgage with you to Topeka to negotiate?—A. I had one with me to collect.

Q. Was the maker of the note in Topeka?—A. No; but the party promising to pay it was here.

Q. Who was the maker of the note?—A. Thomas Ping, of Girard.

Q. The father of Senator Ping?—A. The father of Senator Ping.

Q. Who promised to pay it?—A. The senator had promised to arrange it at that time.

Q. From whom did Senator Ping tell you that he expected to get the money?—A. There was no one named.

Q. Had you had a conversation with him before you came here, about getting money to pay that note and mortgage from Senator Ingalls?—A. He told me he thought Senator Ingalls would help him get the money.

Q. I asked you if you had any conversation with him?—A. I had several conversations.

Q. Did you ask him to get the money from Senator Ingalls?—A. No; I did not ask him to get it.

Q. The suggestion did not come from you?—A. It came from him in Girard.

Q. It did not then come from you?—A. Not in the first instance.

Q. Did you not testify on the examination before the legislative com-

mittee, that you brought that note and mortgage to Topeka to negotiate it, to sell it?—A. I do not recollect that statement.

Q. Did you or did you not make that statement in that investigation, that you brought that note and mortgage to Topeka to sell?—A. I may have said so. I do not recollect what my statement of it was. I brought it here for the purpose of a settlement at Mr. Ping's instance.

Q. Did you not state upon that examination that you brought it here because here was a good central point to dispose of property of that kind?—A. No; I never said so.

Q. You made no such statement upon the former examination?—A. No.

Q. Did you take that note or mortgage to any bank in this city to negotiate?—A. I did not.

Q. Did you take it to any loan agency?—A. I did not.

Q. Did you make any effort to negotiate it with any business house in the city of Topeka?—A. I did not.

Q. Was the note past due?—A. It was.

Q. What was the amount of that note?—A. The note was three thousand dollars.

Q. How much had been paid upon it?—A. There were two or three small payments, amounting to less than two hundred dollars.

Q. All told?—A. All told.

Q. Who was the payee of that note?—A. I was.

Q. Were there any indorsers on the note?—A. My name appeared on the note as indorser.

Q. You held the note?—A. It was not my property at that time.

Q. Was Mr. P. I. B. Ping, the State senator, a party to that note or mortgage?—A. No.

Q. Did you make any effort to sell that note and mortgage while you were here?—A. I did.

Q. To whom?—A. To Mr. Merritt.

Q. The Jim Merritt you have been speaking of?—A. Yes, sir.

Q. To any one else?—A. No one else.

Q. Did you ever have any conversation with regard to Senator Ingalls taking up that note and mortgage?—A. I had.

Q. At your suggestion?—A. I had no conversation about his taking it up. I had a conversation with him about it.

Q. About having taken it up?—A. No; not about having taken it up. I asked him if Senator Ping had spoken to him about helping him to take it up.

Q. What did he say to that?—A. He said that he had not.

Q. When was that conversation?—A. That was on Friday morning, the only time I had any conversation with Senator Ingalls.

Q. That was before the final ballot?—A. It was.

Q. The same morning that you showed him the Hossack paper?—A. Yes.

Q. How long before you showed him the paper?—A. It was in the first part of our conversation. I asked if Senator Ping had spoken to him about helping him.

Q. How long before you showed him the paper was it that you called his attention to the note and mortgage?—A. It was during the same interview; only a few minutes before.

Q. Mr. Hossack, member from your county, you say, had told you that he was in favor of George T. Anthony?—A. He had.

Q. For whom were you working for Senator at that time?—A. I was

not working for any one particularly. My preferences were for George T. Anthony?

Q. Was Mr. Hossack indebted to you?—A. He was.

Q. In what sum?—A. It was in the neighborhood of \$250.

Q. And you succeeded in collecting a part of that during your trip here, did you not?—A. He paid it out of the money he received.

Q. I asked you if you succeeded in collecting part of that debt?—A. Yes, sir; he paid it the night he received the money from Mr. Merritt.

Q. How much did he pay you?—A. Two hundred and forty-four dollars.

Q. Do you know that he received any money from Mr. Merritt?—A. He said so.

Q. Do you know it?—A. All I know is his own statement of it to me, that that was the way he received it.

Q. Did you give him a receipt for that money?—A. I gave him a receipt.

Q. At whose suggestion did he sign the statement?—A. The statement was drawn up and signed at Mr. Brown's and at my suggestion.

Q. Mr. Brown asked him to do it?—A. Yes.

Q. Was Mr. Brown present when he signed that paper?—A. I think he was. He was in the room both before and after. I think he was present. He was in and out of the room several times. He might have been out just at the time of the signing.

Q. You testified before, I believe, that Mr. Brown was absolutely present when that paper was signed?—A. I think he was.

Q. Had anybody suggested to you the idea of getting a paper of that kind from Mr. Hossack?—A. Yes; it had been suggested.

Q. By whom?—A. Mr. Shaw, of Paola, suggested it.

Q. You mean F. M. Shaw?—A. Yes; F. M. Shaw.

Q. What did Mr. Shaw say was the reason he wanted that statement?—A. It was spoken of that it might be important as changing the result of the election.

Q. Did Mr. Shaw speak of it?—A. Mr. Shaw spoke of it in that connection.

Q. Did he give any other reason why such a paper was desirable?—A. I think not.

Q. Did he say to you, Mr. Playter, that that paper was worth a thousand dollars or any other sum of money for blackmailing purposes?—A. He did not.

Q. Did he state to you that it was worth money indirectly in the way of compelling the giving of contracts to you and to him, or to him?—A. He said nothing of the kind.

Q. What was your object in obtaining that paper?—A. It was putting information, that he had previously given me, in writing, and I thought at the time that it could be used to change the result of the election.

Q. What was your object in obtaining that written paper?—A. I say it was to preserve the information that he had previously given me verbally, thinking it could be used to change the result of the election.

Q. You got it to use to change the result of the election?—A. Yes.

Q. Did you obtain it for any other purpose?—A. I did not.

Q. Did you have any other use for the paper than that?—A. I had not.

Q. Was the paper given to you on the day it bears date, the 30th of January?—A. It was.

Q. When was the separate ballot in the house taken?—A. On the 31st.

Q. Did you have it in your possession at that time ?—A. I had.

Q. When was the first joint ballot taken ?—A. I misunderstood your other question. I had not the paper at the time of the separate or the first joint ballot. I had it not at all until Thursday evening preceeding the final ballot.

Q. In your possession in the city of Topeka ?—A. Yes, sir.

Q. You were in the house of representatives when the vote was taken ?—A. I was not.

Q. You were in the capitol ?—A. In the capitol building.

Q. In your usual good health ?—A. Yes.

Q. And buoyant spirits. Why did you not use the paper to change the result of the election ?—A. As I stated before, I was solicited, begged by Mr. Hossack and Mr. Merritt not to do so, and I did not go into the hall at all at the time of the final ballot, but remained below in the secretary of state's office.

Q. You declined to use it then, at the solicitation of Merritt and Hossack ?—A. They were the only parties I saw on the subject.

Q. Out of pity and kindness to them ? Did you say anything in the former examination about Mr. Merritt having stopped you at the secretary of state's office and begged or pleaded with you not to go up stairs ?—A. I do not know whether I did or not. I spoke of the conversation there.

Q. You think you testified to that ?—A. Yes, sir.

Q. Did you testify in the former examination that Mr. Merritt ever asked you not to use that paper ?—A. I do not recollect whether I did or not. I do not recollect the testimony on that point.

Q. What is your best impression on that subject ?—A. My impression is that I did testify that he begged of me not to go up stairs, for I know that was the fact, and I think I spoke of it.

Q. I am speaking now about not using that paper.—A. That was why he did not want me to go up.

Q. Did he say so ?—A. Yes, sir ; it was spoken of then.

Q. This talk that you might have used the paper and did not, was on what date ?—A. The 31st of January, Friday.

Q. What became of that paper after that ?—A. I returned it to Mr. Hossack.

Q. When ?—A. In February following.

Q. What time in February ?—A. It was between two and three weeks after.

Q. Where ?—A. At my office in Girard.

Q. In the intermediate time, after the election was over and before the return of the paper, had Mr. Hossack made any demand on you for the paper ?—A. He had.

Q. Did you return it to him upon the first demand ?—A. I did not.

Q. Why ?—A. I had it not with me at that time.

Q. Was that your sole reason ?—A. That was the sole reason.

Q. Where were you when he made the demand ?—A. At the Union Depot, in Kansas City.

Q. Where was the paper ?—A. The paper was at home at that time.

Q. Whereabouts at home ?—A. It was in my desk.

Q. At your bank ?—A. Yes.

Q. Why had you preserved the paper when the use for which you intended it was no longer possible ?—A. I returned it to Mr. Hossack on the first opportunity afterwards when I had it when he requested it.

Q. That does not answer the question ; why did you retain it at all ?—

A. I retained it to hand it back to Mr. Hossack. I had promised to do so.

Q. Did you see him after the final ballot in Topeka?—A. Yes.

Q. Did you have the paper in your pocket then?—A. I had.

Q. Did you offer it to him then?—A. I did not.

Q. Why?—A. He made no request for it.

Q. You would have given it to him if he had, undoubtedly?—A. I presume I should.

Q. Do you recollect my handing you a letter of yours (of which what I now show you is a copy) during the investigation before the legislative committee and the answer thereto?—A. Yes, sir.

Q. Are these copies of those letters?—A. They are.

Mr. WILLIAMS. I desire, if the committee please, to introduce now these two letters in evidence:

MERCHANTS' AND FARMERS' BANK,
Girard, Kans., February 6, 1879.

J. A. HOSSACK:

DEAR SIR: I can make that thing all right, and more too, from parties wanting the investigation; and I want you to say to Jim Merritt that he must make good his word at once. See him, and let me know what he says. If he will take even \$2,000 on the property, at straight ten per cent., I will have new papers made out, and take a second mortgage for the balance myself. Write me on receipt of this.

F. PLAYTER.

TOPEKA, *February 9, 1879.*

Mr. FRANK PLAYTER:

DEAR SIR: I saw Merritt, and he declines to do anything except on the basis he proposed to you. It is time you gave up that statement you so foully got from me, and I want you to send it to me.

Yours, &c.,

J. A. HOSSACK.

Q. If you had this statement for the sole purpose of changing the result of the election, did you not know that the publication in any form of the paper, if true, would have changed the result of an election, even in the State of Kansas?—A. I did not know it.

Q. Did you not believe it?—A. I believed it.

Q. Why did you not give that statement to the world if your motives were thoroughly patriotic and there was no hope of gain?—A. I have stated that it was at the solicitation of Mr. Hossack.

Q. I am speaking now about the time you got it. Mr. Hossack could not have in one breath given you the paper and at the same time solicited you not to use it. Why did you not use it at once?—A. I did not want to make a publication of it at once. I expected to use it.

Q. That is the very question I am asking you now, why you did not use it at once?—A. Well, the same question I have answered several times; it was at Mr. Hossack's solicitation not to use it.

Q. Did he solicit you not to use it when he signed the paper?—A. He solicited me not to publish it.

Q. When he signed the paper?—A. Yes.

Q. What did you get it for?—A. To preserve the information that he had given me verbally.

Q. To preserve it until when?—A. Until such time as I wanted to make any other use of it.

Q. Why, after your conversation with Senator Ingalls in regard to this mortgage, did you present the paper to him? Did you wish to influence him against the election of Senator Ingalls?—A. I did not suppose he was voting for himself.

Q. For what did you present it to him?—A. I presented it to him to show him that I had that information.

Q. Why did you wish him to know it?—A. Well, I had my own reasons for wishing him to know it.

Q. Did you tell him you were going to expose him?—A. I did not.

Q. You had your reasons, you say. Exactly what I want to get at is what were those reasons?—A. Well, I just simply wished him to know that I had that information, and showed him the paper for that purpose.

Q. You said you had your reasons for it; what were they?—A. I am stating, to let him know I had the information.

Q. It had nothing whatever to do with getting him to advance money upon a worthless mortgage?—A. No, sir; I had no such paper.

Q. You had no disposition to get money out of Senator Ingalls?—A. No, sir; I did not ask him for any money.

Q. You had no disposition to use that paper to get money out of any one?—A. No, sir.

Q. You had no disposition to use it to compel any one or induce any one to cash your note?—A. I never offered it in any such connection at all.

Q. You say you had no disposition to use it for that purpose?—A. No, sir.

Q. Had you shown the paper to any one besides Mr. Brown before you showed it to Mr. Ingalls?—A. I think not.

Q. Why, if you were going to use it to expose Mr. Ingalls, did you show it to him before you showed it to any one else?—A. I had only had the paper a very short time; it was late on Thursday night.

Q. Was that the only reason you had for having shown it to him first of all? At that interview at which you showed it to Mr. Ingalls, did he accuse you of an attempt to blackmail him?—A. He did.

Q. You showed the paper, I believe, to Mr. Merritt also, did you not?—A. Not at that time.

Q. At some subsequent time?—A. After the election; not prior.

Q. You never had shown it to Mr. Merritt prior to the election; it was after the election?—A. Yes.

Q. You may state what took place at that interview. Where was it that you showed the paper to Mr. Merritt?—A. It was in his room at the Tefft House, the week following the election.

Q. State the particulars of that interview.—A. Mr. Merritt wanted to see the paper. I showed it to him. After returning it, he then demanded that I should destroy it, and threatened me with violence if I did not destroy it.

Q. Explain what kind of violence he threatened. Did he threaten to put you out of the window?—A. He paced up and down the room, and said if I did not put it in the stove he would compel me to—raved around the room for some length of time.

Q. Did he say why you ought to put it in the stove?—A. No; no statement of that kind. He wanted it destroyed, I suppose.

Q. Did he state that it was a deliberate effort to blackmail?—A. I do not know that he used those words.

Q. Words to that effect?—A. He said he wanted me to destroy the paper.

Q. Why? Did he say anything about the character of the paper; that it was an attempt to blackmail, or words to that effect?—A. He said he wanted me to destroy it, and insisted on my doing so.

Q. Did he state that the paper was a blackmailing document or words to that effect, and that you had it for the purpose of blackmailing?—A.

He may have said it. I think, perhaps, he did say something of that kind.

Q. I will put it in a more definite form: Did Mr. Merritt tell you at that time that you were a damned blackmailing scoundrel, or words to that effect?—A. He used no such language at that time.

Q. And that he ought to put you out of the window? Did he threaten to put you out of the window?—A. He made no statement of that kind.

Q. He used violent language towards you and threatened you, you say, and you and he parted on those terms, did you not?—A. He threatened me unless I destroyed the paper.

Q. And you did not destroy it?—A. No, I did not.

Q. And you and he parted on those terms after that abusive and threatening language, did you not?—A. No; he made the remark that he was angry and did not want to talk any further, and he would see me later in the afternoon.

Q. Was it after that that those two letters from you to him, which were produced on the other examination, were written?—A. It was after that. He had requested me to meet him later.

Mr. WILLIAMS. I offer in evidence these two letters:

Hon. J. MERRITT:

I called on time, but did not find you. Will be back in one hour—say half-past four—when I trust all can be arranged smoothly.

FRANK PLAYTER.

J. MERRITT:

Will see you at half-past ten, if you desire. If not at Tefft House at that time, I shall take it for granted you do not wish to keep your promise—a conclusion I should be sorry, indeed, as a would-be friend to reach. Hoping to see you at that time, and that we may have a satisfactory understanding,

I am yours,

PLAYTER.

(To the witness:) All this was some time after the election?—A. It was after the election.

Q. You were the Frank Playter who wrote those letters?—A. Yes.

Q. And you had not then surrendered this statement?—A. No, sir.

Q. Did you have a subsequent interview with Mr. Merritt?—A. No; excepting to meet him; I met him once or twice afterwards.

Q. Did you meet him in the hall of the Tefft House shortly after you had written these notes?—A. I think not.

Q. In the lower hall of the Tefft House?—A. I think not.

Q. Did you, at any time shortly after writing those notes, and the same day or the day after, meet Mr. Merritt and say to him, "You had better fix this matter up, for, I tell you, I can get more money for that statement on the other side"?—A. I never made any such remark to him.

Q. To which he responded, "Go and get it, you damned blackmailing scoundrel, as soon as you can; our interviews are over"?—A. We had no such conversation.

Q. You interviewed or were interviewed by Mr. Joe Wilson on the subject of this statement, were you not?—A. Yes.

Q. Was that interview subsequent to the election or before?—A. Prior to the election, not subsequent.

Q. When and where did you show this statement of Hossack's to Joe Wilson?—A. In my room at the Tefft House on Friday morning preceding the election, at his request.

Q. He returned it to you after he looked at it?—A. He did.

Q. And Mr. Ingalls and Mr. Merritt did the same thing?—A. They did.

Q. What took place at the interview with Mr. Wilson?—A. He was very angry, and said that any person attempting to make any use of it would be prosecuted, and asked me repeatedly what use I was going to make of it.

Q. Was that the way in which you stated the interview in your former examination?—A. That is my recollection of it; I do not recollect what the statement is there, but that is my recollection of the interview.

Q. You say that Mr. Wilson was very angry. What did he say? Give his language as near as you can.—A. He said that if any attempt was made to use it, the party doing so would be prosecuted; he said it repeatedly.

Q. Was that all he said in anger to you?—A. That was all.

Q. Did he not ask you if you wanted to use that paper to blackmail Mr. Ingalls?—A. I do not think anything was said by Mr. Wilson in that way; there may have been; I do not recollect it now.

Q. Did you not so testify on your former examination?—A. I do not recollect that I did.

Q. How did you come to show Mr. Wilson that paper?—A. At his request.

Q. Conveyed in the room?—A. He came to my room and asked me for it, and I showed it to him.

Q. Did not Mr. Wilson tell you on that occasion that you were a black-mailing thief?—A. He made use of no such words.

Q. Was he not abusive?—A. In language he was not. The only strong language he used was a threat to me.

Q. What was the threat?—A. It was to arrest and prosecute any one attempting to make any use of that paper.

Q. Did he use any conciliatory language towards you?—A. No; I do not think he did. We were together only a few moments.

Q. During the whole course of that interview he did not use any conciliatory language, or seek to placate your anger, or get into commercial relations with you in regard to that paper?—A. No; there was nothing said about that.

Q. He was angry and violent, and left you in that state, and it was before the election?—A. Yes; it was before the election.

Q. You stated that Shaw suggested to you the benefits of a paper of that kind. Was Mr. Shaw in the city the night you secured the document?—A. I do not know whether he was or not. I did not see him that night.

Q. You never showed to Mr. Shaw before the election?—A. Not before the election.

Q. You showed it to him subsequently?—A. I had stated to him the conversations, the substance of them, before it was obtained.

Q. But you showed him the paper afterwards?—A. I showed it to him afterwards.

Q. And allowed him to take a copy?—A. I think he took a pencil copy of it.

Q. That was after the Senatorial election was over?—A. Yes, sir.

Q. You and Shaw are partners, are you not?—A. No, sir.

Q. Not in the loan business?—A. We are both loaning for the same party, but we have no partnership or business interest together.

Q. Was Mr. Merritt, who threatened you with violence and who used abusive language towards you, the same Mr. Merritt at whose solicita-

tion you declined to go up into the house of representatives and use that paper?—A. The same party.

Re-examined by Mr. WEBB :

Q. The Mr. Merritt you have been speaking of is the Mr. Merritt now sitting with the counsel for Mr. Ingalls?—A. He is the same party.

Q. Where did you first see him on the morning of Friday, the day of the election of Senator?—A. I first saw him at the Tefft House, but the first to speak to him was at the capitol building.

Q. State whether you had any conversation with him before that which you related, when he said to you and Hossack that he did not want you to go upstairs together?—A. Yes; I had a conversation with him just in the hall before that time.

Q. State who commenced the conversation then between yourself and Merritt?—A. Mr. Merritt commenced it.

Q. State what he said to you, what the conversation was, and what took place, beginning with what he first said to you at that time?—A. Mr. Merritt said, when we first entered the main entrance at the capitol building, that he would take the note and mortgage that I held, but said he would not be able to arrange it until afternoon. I told him to go in and arrange with John Francis for it, and it would be satisfactory to me. He went to John Francis's room, and came back and said it had been so arranged. I went then to Mr. Francis's room.

Q. I wish you would give the conversation, if you can, as it occurred and in the language of the speakers. What did Mr. Merritt say to you at the commencement of that conversation when he met you and Hossack at the entrance of the main hall to the capitol?—A. Well, he first came to us and said that he would take the papers that Mr. Hossack had spoken to him about. Mr. Hossack had spoken to him about these papers—the note and mortgage which Mr. Williams has inquired of me about.

Q. That was the note and mortgage executed by Thomas Ping, father of Senator Ping?—A. Yes.

Q. Now, I ask you if previous to that time you had had any conversation with Mr. Merritt concerning the Ping note and mortgage?—A. I had not mentioned it to him in any way, shape, or form, but he first spoke about it himself.

Q. Give his words; what did he say, "He" or "I"?—A. His words were "I will take it," or "I will take the papers," and I told him I wanted the matter arranged. He said he had spoken to Mr. Francis, and he told us to go to Mr. Francis's room.

Q. Who is Francis?—A. The State treasurer.

Q. Did you go to Francis's room?—A. I did.

Q. Who went with you?—A. Mr. Hossack.

Q. Did Mr. Merritt go?—A. No; he remained in the hall outside.

Q. He sent you to Mr. Francis?—A. He sent us to Mr. Francis.

Q. State the conversation that occurred between you and Francis in regard to the Ping note and mortgage.—A. I asked Mr. Francis if Mr. Merritt had made arrangements with him to take the paper, and he said that he had not, but that anything Mr. Merritt said in regard to it Mr. Merritt would do.

Q. What further was said?—A. That was all that was said then.

Q. Then you passed out?—A. Started back to the main entrance and started upstairs, and then Merritt came and had the conversation I have already related.

Q. Counsel for Mr. Ingalls asked you about that note and mortgage;

I wish you would state again what conversation took place, if any, between yourself and P. I. B. Ping, the senator, concerning that note and mortgage before he came up here to attend the session of the legislature—the same conversation that Mr. Williams interrogated you about?—A. Mr. Ping sometime, I think, in the latter part of October or first of November, said that in the winter he would be able to lift the mortgage, and spoke to me about it two or three times afterwards.

Q. Were the note and mortgage then past due?—A. It was then past due, and I was urging its payment. He said he thought he would be able to fix it.

Q. Mr. Ping was then a member of the State senate?—A. He was.

Q. And his father was the maker of the note and the mortgagor?—A. Yes, sir.

Q. Did he tell you by what means or by the aid of what person or persons he would be able to pay off the mortgage?—A. He said that he thought he would be able to borrow the money on long time through some of Mr. Ingalls's friends.

Q. Did he fix the time when he thought he would be able to accomplish that?—A. Early in the winter, during January. It was with that view that I brought the papers along, and at his suggestion. There was not a dollar in the negotiation of the papers to me. The security was ample, and is worth to-day more than the note and mortgage, but it was to accommodate him.

Q. Counsel asked you about indorsements on the note. I will ask you in regard to that mortgaged property whether it was or was not ample security for the debt and whole of it?—A. It was ample. The property is worth \$5,000 to-day, and is ample security. It was to accommodate Mr. Ping that I brought it, because he wanted more time on it. There was not a dollar in it to me, in any shape, way, or form. It was to accommodate him, and give him more time.

Q. Counsel directed your attention to a conversation between yourself and Mr. Merritt where he asked you to destroy that paper. I will ask you for my own information, in whose room did that conversation take place?—A. In Mr. Merritt's room.

Q. At whose instance or solicitation?—A. The interview was at Mr. Merritt's solicitation. He invited me to his room.

Q. Did he tell you in that conversation that the paper itself or the statements in the paper were false?—A. He did not.

Q. Did he in that conversation ask you to get a denial from Mr. Hosack of the statements in the paper?—A. He did not. All that he insisted upon was its destruction, and that immediately.

Q. You said that he threatened prosecution in case the paper should be used or attempted to be used against Mr. Ingalls, and this was subsequent to the election. I ask you if there was anything said by him about taking the paper from you if you did not voluntarily destroy it?—A. Yes; he threatened to take it by force if I did not voluntarily destroy it.

Q. Did he make any effort or demonstration looking to that end?—A. He did.

Q. What did he do?—A. He approached me in a threatening manner, and shaking his fist in my face, said if I did not destroy it he would take it from me and destroy it.

Q. You said, I believe, that after that he said he had been angry. State what he did say in that regard.—A. He made the remark that he had made a fool of himself, that he was too angry to talk; that he would not say more now, but asked me to meet him later in the day.

Q. Did he ask you to meet him, or to meet him and another person ?
—A. Him and Jo Wilson.

Q. Did he fix a time and place ?—A. To meet them in the evening at a certain room in the Tefft House.

Q. What room ?—A. It was a room occupied by them upstairs ; I do not recollect the number ; it was on the third floor.

Q. Was it the same room ?—A. It was not the same room ; it was a different room ; not the room we were occupying at that time.

Q. Did you go there at that time ?—A. I did.

Q. Was Mr. Merritt or Mr. Wilson there ?—A. Neither of them was there.

Q. When was it that you made the copy of the paper that is now in evidence before this committee ?—A. It was made that day between the times mentioned there.

Q. Did you take the original, or the copy, or both, with you there at that time, the time of the second interview ?—A. I took the copy.

Q. And not the original ?—A. Not the original.

Q. Do you know anything of the financial ability or circumstances of Mr. Hossack at the beginning of January of the present year ?—A. I do.

Q. I believe you stated that he was indebted to you at that time ?—A. He was indebted to me at that time.

Q. In what sum ?—A. Two hundred and forty-four dollars.

Q. You stated that he paid that during the session of the legislature ?—A. He did.

Q. On what day of January did he pay it ?—A. He paid it on Thursday evening, the same time that he signed that statement. The money was laid on the table at the same time.

Q. Previously to his coming to Topeka to attend the legislature, what was his ability with respect to monetary matters ?—A. He had not anything excepting what he borrowed to start to Topeka, and that was \$50 to pay his current expenses up here at the time he left Girard.

Q. Can you state whether he had or had not been in embarrassed circumstances pecuniarily previous to that time ?—A. He had been.

Q. And then was ?—A. And then was.

Q. You say that he was indebted to you ; how long had he been indebted to you, and in what manner ?—A. It was for money borrowed ; this \$244 had been running some six or eight months prior.

Q. You held his note for the amount ?—A. I held his note for the amount.

Q. And surrendered the note at the time he made that payment ?—A. I had not the note with me. I gave him a receipt and afterwards surrendered the note.

Q. At the time he made you that payment, did he say anything about his luck or success with respect to getting money here at Topeka ? And, if so, state what he said.—A. He made the remark at that time that he would not have been able to pay me had it not been for getting what he did for his vote, and that the money he paid me was a part of what he had just received from Merritt.

Q. I believe you have stated that the negotiation of the note and mortgage here was no pecuniary benefit to you, but simply gave Mr. Ping more time ?—A. That was the fact. The security was ample ; the property was worth every dollar there was in it. There was nothing in the matter to me at all.

Recross-examined by Mr. WILLIAMS:

Q. Were you in embarrassed circumstances when you came to Topeka?—A. I was not.

Q. It was but a few moments after Mr. Merritt handed you back the original statement of Hossack's and during the same interview that you say he threatened to take it away from you, was it not?—A. It was during that interview.

On motion, the committee took a recess until two o'clock p. m., and resumed its session at that hour.

Mr. STUMBAUGH. Mr. Chairman, I desire to ask leave of the committee to add one more name to the list of members of the legislature whose vote we do not intend to call in question—the name of Joseph Donahue.

The CHAIRMAN. You can add that name to the list filed this morning.

FRANK PLAYTER, a witness called by the memorialists, recalled and further examined.

By Mr. WEBB:

Question. I wish to direct your attention again to the evening or night upon which Mr. Hossack signed the paper a copy of which has been given in evidence, and ask you to state what hour of the night it was that he signed that paper, as near as you can remember.—Answer. It was about ten o'clock in the evening.

Q. Do you know where Mr. Hossack had been during the early hours of that evening, say from six o'clock until ten?—A. He had been in company with myself and three or four others that had been in a company together at the opera-house here in Topeka.

Q. All the time?—A. All of the time.

Q. Was there a question then as to Mr. Hossack's sobriety? What was his condition at the time he signed that paper, in fact, and what had it been the whole of the evening?—A. He was perfectly sober. There had been no drinking that evening by any of the party.

Q. Did he go from the opera-house with you to your room where the paper was signed?—A. He did; we walked down together from the opera-house.

Q. Was Mr. E. H. Brown, who witnessed that paper, at the opera-house in company with Mr. Hossack and yourself that evening?—A. He was.

Q. Did he return with you from the opera-house to the Tefft House?—A. He did.

The CHAIRMAN. Call another witness if Playter is through with.

Mr. WEBB announced that H. O. Fisler was the next witness for the memorialists, but on his name being called he failed to respond.

Mr. PECK. Mr. Chairman and gentlemen, while the committee are waiting for witnesses for the memorialists, the respondent will introduce testimony if permitted.

The CHAIRMAN. We will receive the testimony of the respondent at any time, whenever there is not a witness present on the part of the memorialists.

GEORGE T. GILMORE, a witness called by the respondent, sworn and examined.

By Mr. PECK:

Question. What is your occupation?—Answer. I am assistant secretary of state of the State of Kansas.

Q. As such officer, have you the custody of the records of the legislature of this State for the year 1879?—**A.** They are filed in our office.

Q. And remain there among the archives of the office?—**A.** Yes, sir.

Q. Have you the report of the investigating committee of the house of representatives of this State upon the election of Senator Ingalls last winter?—**A.** I have.

Q. Have you the papers with you now?—**A.** Yes, sir.

Q. Will you produce them?—**A.** Yes, sir. (Producing a package papers.)

Q. Have you the testimony of the various witnesses before that committee in the matter of the investigation into Senator Ingalls's election, as returned by the committee?—**A.** I have the testimony or what was submitted by the chief clerk of the house of representatives and filed as that.

Q. Turn to the testimony of F. M. Shaw and state whether you know the signature of Mr. Shaw?—**A.** I do not know it.

Q. Mr. PECK (to the counsel for the memorialists). Gentlemen, do you admit that to be the signature of Mr. Shaw?

Mr. WEBB. I have no doubt it is his signature, but I do not know anything about it.

Mr. PECK. Then I shall have to call Mr. Playter.

FRANK PLAYTER recalled as a witness for the respondent.

By **Mr. PECK** :

Question. Are you acquainted with the signature of Mr. F. M. Shaw?—

Answer. I am.

Q. (Exhibiting the signature "F. M. Shaw" to certain testimony in the package produced by George T. Gilmore.) Look at that signature, and state whether it is the signature of F. M. Shaw.—**A.** (Examining.) I should say that it was.

Mr. PECK. We now offer in evidence the testimony of F. M. Shaw, a witness before the investigating committee of the Kansas house of representatives on the investigation into Senator Ingalls's election.

The CHAIRMAN. Is there objection to the reception of that testimony?

Mr. WEBB contended that the proposed testimony was not admissible, and was in nowise competent within any rules of law governing the admissibility of competent testimony, and objected to the whole of the record made by the legislative committee and to all its parts, separately and collectively.

The CHAIRMAN. This is a proposition to offer in evidence testimony taken before a committee of one house of the legislature of Kansas. At the outset this committee said that while this was not testimony taken before this committee, they would accept such parts of it as should be agreed upon by counsel on both sides, but it is not evidence before this committee without such an agreement.

Mr. PECK. We do not offer this because it was produced before the legislative committee, but it is a sworn statement made by a person relative to the matters testified to by the witness who was produced this morning, Mr. Playter.

Senator BAILEY. Is Mr. Shaw accessible?

Mr. PECK. We have been informed that he cannot be found. I am informed that a præcipe was filed for him and a telegram sent, to which the operator replied that he had left town. Since that I am advised no præcipe has been filed for a subpoena to be regularly served, by the memorialists.

The CHAIRMAN. The testimony having been offered and its reception objected to by the counsel for the other side, the committee in consultation will consider the question. We shall not take up time by considering it now.

Mr. PECK. The committee will indulge me in the suggestion that this testimony was made part of the memorial presented by the gentlemen to the Senate of the United States, annexed by them to the memorial which they filed, and it is by the laws of this State a public record on file in the office of the secretary of state.

The CHAIRMAN. We prefer to consult in reference to it before deciding the question.

Mr. WILLIAMS. We ask the gentlemen on the other side to do this much at least: to consent that, in the event the committee on consultation declare this testimony competent, we may read it from the printed book instead of from this record, which has to be kept on file by the secretary of state. They have told us they would consent to nothing, and I therefore ask leave before this record is sent back to the secretary of state's office to be allowed to compare it with the printed copy, to the end that the committee may determine for itself that it is the same.

The CHAIRMAN. If the committee consent to admit the testimony, counsel for the respondent will have ample time to send to the secretary of state's office.

Mr. WEBB. If it is competent at all, the counsel may read it from the printed book. If anybody disputes the accuracy of it, that is another thing.

HENRY C. FISLER, a witness called by the memorialists, sworn and examined.

By Mr. WEBB:

Question. Do you reside in the county of Harper in this State?—Answer. I do.

Q. State whether you were a representative from that county in the legislature of Kansas at its last session.—A. I was.

Q. Were you the candidate of any political party, and, if you were, of what party?—A. The Republican party; although it was more of local politics than anything else in our county; that is, we had a sectional fight there.

Q. You are a Republican?—A. I am a Republican.

Q. Previously to your coming to Topeka to take a seat as a member had you formed any conclusion as to whom you would vote for for United States Senator?—A. Yes, sir; I had.

Q. For whom had you determined to vote as your choice?—A. George T. Anthony.

Q. State whether or not your feeling in that respect was known to others, or was made known by you to others, after your arrival here.—A. I do not remember positively about that, but I think, perhaps, there were some who knew it; I think I spoke to some here about it.

Q. State whether you became personally acquainted with Mr. Ingalls during the session and before the election of Senator.—A. I did.

Q. Here in Topeka?—A. Yes, sir.

Q. Did you become acquainted with a man by the name of James S. Merritt?—A. Yes, sir; I met Mr. Merritt also.

Q. Do you know whether Mr. Merritt was here engaged in that Senatorial contest, and, if so, for whom was he at work; in whose interest was he at work?—A. Well, I can only go on my own judgment; my judgment was that he was working in the interest of Mr. Ingalls.

Q. Had you any conversation with Mr. Merritt in respect to Mr. Ingalls, in which he expressed his choice or wishes or desires?—A. I believe I had a little conversation with him at one time.

Q. When was that?—A. That was, I think, the night before the final vote was taken on Thursday night; I am not positive about the exact day, but I think it was Thursday.

Q. Do you know the fact of a Republican meeting being held in Union Hall just this side of the Tefft House, during the Senatorial canvass, at which Mr. Ingalls made a speech?—A. Yes, sir; I think so.

Q. Were you present at that time? Did you hear his remarks?—A. I was not there through the whole meeting; I got there late; I understood in the first place that it was a caucus of Mr. Ingalls's friends and I did not go down until very late; I heard a portion of Mr. Ingalls's speech.

Q. Was your conversation with Mr. Merritt before or after that evening?—A. It must have been after that, although I do not remember what night that meeting was.

Q. You said you had one interview with Mr. Merritt. State where it occurred.—A. I think the first time I met him to have any conversation with him in regard to the matter, was in Mr. Ingalls's room in the Tefft House.

Q. When was that?—A. That was on that Thursday night.

Q. What time in the evening?—A. At least it, was the night the Horton caucus was held. I should judge it was about seven o'clock.

Q. State whether you went there of your own accord and motion, or whether you were invited there.—A. I went there of my own accord that night.

Q. For what purpose?—A. I went there to ascertain, if I could, whether there was any money being used in this Senatorial election or not.

Q. To whom did you speak first when you went into Mr. Ingalls's room, if to more than one?—A. I am not very positive about that, but I think Mr. Merritt was the first one I spoke to in the room, although I might have spoken to others. There were several in there that I knew.

Q. Just state, as near as you can, the conversation between yourself and Mr. Merritt there in that room.

Mr. EVEREST. In the presence of Mr. Ingalls?

Mr. WEBB. I did not include that in my question. I asked that the witness state the conversation that took place between himself and Mr. Merritt at that time in Mr. Ingalls's room.

The WITNESS. I cannot remember positively.

Q. (By Mr. WEBB.) Just state what you can of it, as near as possible as it occurred.

Mr. EVEREST objected to the question, and stated that he did so without consulting the wishes of his client, but that he and his associates felt it their duty as counsel to insist that this class of evidence could not be gone into without something connecting the respondent with the conversations sought to be introduced.

The CHAIRMAN. The committee have consulted on the subject and think the evidence now offered is admissible. It differs in nothing from the character of the evidence that was offered without objection from the preceding witness this morning. Some evidence has already been introduced to show the agency of Mr. Merritt for Senator Ingalls. We cannot, of course, tell exactly what is the object of the inquiry now proposed to be made, but we do not feel at liberty to refuse to hear testimony having a tendency to connect Senator Ingalls with Mr. Merritt,

and therefore the committee, without exception, consider that at this stage of the case the question may be asked.

— Q. (By Mr. WEBB.) Mr. Fisler, who commenced the conversation between yourself and Mr. Merritt, you or he?—A. I do not remember positively who did.

Q. You had a conversation there and then. Just state in your own way what was said by you to Mr. Merritt and by Mr. Merritt to you, as near as you can.—A. We got talking about the Senatorial election, and I asked Mr. Merritt myself—I told him that I had heard they were using money in the election, and I did not know whether it was true or not, and I wanted to find out whether it was true or not; I asked him if such was the case. I do not remember whether he said it was or not. I do not think he did. I remember that he said very little at that time; the room was full of people, but he asked me to go out of the room, and pointed out a room upstairs, the door of which was partially open, and told me to up to that room and he would meet me there.

Q. Did you go up to the room that he designated?—A. I did.

Q. Did Mr. James S. Merritt meet you there, as he said he would?—A. He met me at the door.

Q. How soon after the conversation downstairs?—A. It could not have been over five minutes.

Q. When you went there was any other person in the room?—A. Yes, sir; there was.

Q. How many persons?—A. I think there was only one person there.

Q. Do you know who that person was?—A. I do not.

Q. Can you describe him?—A. I can, I think.

Q. Describe him if you can?—A. He was taller than I am; had flushed cheeks. I think he wore a slight mustache, with no whiskers or any other hair about his face. My impression was that he was a slim man.

Q. Were you at that time acquainted with Mr. J. C. Wilson?—A. Yes, sir; I was.

Q. Was it Mr. Wilson?—A. No, sir.

Q. How long were you there—not more than five minutes before Mr. Merritt came in?—A. No; Mr. Merritt was there when I got there.

Q. Then Mr. Merritt got there first?—A. About the same time.

Q. Now, state what took place in that room, what was said by you to Mr. Merritt and to the other gentlemen there, and what was said by either of them to you?—A. I went into the room. Mr. Merritt left. Mr. Merritt and I had no other conversation at all, not a word that I remember after meeting there. This man was in the room. I think there were beds in the room. There was no light in there, and he was sitting on one of the beds. I cannot remember perfectly what was said. We talked there, perhaps, for two or three minutes in regard to the election, and so forth, and so on. He said he would like to have me vote for their side.

Q. Did he say what side that was?—A. I do not think he mentioned any name; he merely designated it as their side.

Q. Go on.—A. We talked there a few minutes. He wanted me to remain away from the Horton caucus, which was about to meet, or had met at that time, at the state-house, until the next morning. Finally he went on to say that they were poor and did not have much money, and all that kind of thing.

Q. (By Mr. FENLON.) Who was poor?—A. His side of the house. And he finally offered me two hundred and fifty to hold myself open until the next morning.

Q. (By Mr. WEBB.) Who made you that offer?—A. This man. He did not mention dollars. That was the reason I did not say dollars.

Q. What man was it that offered this two hundred and fifty?—A. This young man that I described as being in the room.

Q. What did you say when he made you the proposition or suggestion?—A. I told him that that would not touch me, and that I was going up to the Horton caucus. He asked me to wait a few minutes and he would go and see Mr. Hood. He then went out of the room and left me there. I asked him who Mr. Hood was. I did not know Mr. Hood at that time, or anything about him. He said he was a cattle man on the Santa Fé road. He went out and was gone two or three minutes, I should judge. That was before he named any sum, I think. Then he came back and made that offer. I then left and went downstairs, and went up to the state-house to the caucus.

Q. While you were there in that room with that man, whose name you have not given us yet, did Mr. Merritt come there before you left the room?—A. Yes, sir; he came to the door.

Q. When he came did he speak to you or to the other man who was in there?—A. He called the other man out.

Q. Did the other man go out, and how long was he out?—A. He went outside the door and closed the door.

Q. How long did he stay out?—A. I should judge a minute or so.

Q. Then did he return?—A. Yes, sir; the young man returned.

Q. What, if anything, did he say in regard to Mr. Merritt when he came back?—A. He said that Merritt was afraid of me; that I was a strong Anthony man, and he was afraid of me; but, he says, "I can swear just as hard as you can if it comes to that."

Q. Did you ask him his name?—A. I did not.

Q. Did he tell it to you?—A. He did not.

Q. Did he say anything to you in respect to your being able to identify him or know him subsequently?—A. I think he told me that he had formerly been a member of the legislature of Kansas.

Q. Did he say anything about your being able to identify him in the morning, or any other time?—A. He told me to take a good look at him, so that I might know him in the morning in a crowd if I should change my mind, or anything of that kind.

Q. Did you take such look at him?—A. Yes, I looked at him. It was rather dark in the room, so I could not see very well; I am a little near sighted anyway.

Q. Have you seen the man since or learned his name?—A. I have seen him since, but I never learned his name.

Q. Where did you see him?—A. I saw him the next morning in the Tefft House, and I think I saw him once afterwards in the office of the Tefft House; I do not remember when, but shortly after.

Q. Do you know the number of the room to which you were told to go by Mr. Merritt, and where you did go?—A. I think it is 117.

Q. On what floor of the Tefft House was it?—A. On the second floor above the office. The first floor is the floor the parlor is on.

Q. No, the first floor is the office?—A. Then the second floor, I should say, is the floor the parlor is on. This room 117 was on the next floor above that.

Q. Where was the Ingalls room, where you first saw him and Mr. Merritt?—A. That was on the parlor floor; what you call the second floor.

Q. You give the number of the room to which you went as 117; are you certain that was the number?—A. That is my judgment, but I might be mistaken about the number. I am very positive though that that is the number.

Q. (Exhibiting the diagram of the second and third floors of the Tefft House already offered in evidence.) State from this plat or diagram, already in evidence, what the floor was.

A. (Examining.) It was right upstairs, and then there was a little hall. The room here marked 117 must have been the room.

Q. Having looked at this diagram, do you recognize the room there numbered 117 as the room into which you went after Mr. Merritt pointed out the place for you to go?—A. Yes, sir; I think that is the room.

Q. For what purpose was the two hundred and fifty offered to you that night by that man in that room 117, as stated by himself?

Senator CAMERON. Let him state what the man said.

Mr. WEBB (to the witness). State for what purpose it was offered, as stated by the man himself. He told you for what purpose he offered it. State what he said.

A. He offered it for the purpose of getting me to vote for his side.

Q. (By Mr. WEBB.) Did he state what was his side?—A. I do not remember that he mentioned the name at all, but it was thoroughly understood—

Mr. EVEREST. Never mind that; surely that is not proper.

The WITNESS. I knew perfectly well which side he was working for.

Q. (By Mr. WEBB.) Did you know perfectly well what side Mr. Merritt was working for?—A. I did, I think; at least supposed so from all appearances, from all that I could hear. It was my idea—

Q. State what he said.—A. That was all he said, as near as I can remember, that he would give that amount to have me vote for his side, the winning side, as he called it. He said it was to be the winning side, and it would be better for me to be on the winning side.

Cross-examined by Mr. EVEREST:

Q. You had no conversation personally with Mr. Ingalls at all?—A. I had.

Q. Over this matter at the time you speak of?—A. No, sir.

Q. The conversation you relate was entirely with Mr. Merritt?—A. Yes, sir. I do not think Mr. Ingalls was in the room at the time. I do not remember his being there at all.

Q. The time you went to this room 117 was your first acquaintance with this unknown person?—A. Yes, sir.

Q. The first time you had ever seen him?—A. Yes, sir; to my knowledge.

Q. When you first went to the room the unknown person was in the room, was he?—A. He was.

Q. Which reached the door of the room first, you or Mr. Merritt?—A. I would not be positive about it; about the same time, I think. I do not know but that I got there first; I am not positive about that.

Q. Do you know who opened the door leading into the room at that time?—A. No, sir; I do not.

Q. Do you know who passed into the room first, you or Mr. Merritt?—A. No, I do not. I do not remember whether Merritt went inside the door or not.

Q. Where was the unknown person when you went in?—A. He was in the room sitting on the bed.

Q. How far was the bed from the door of the room?—A. Two or three feet I should judge.

Q. I understood you to say there was no light in the room at the time you went in?—A. I think not.

Q. And he was sitting on the bed?—A. Yes, sir.

Q. You noticed, however, that he had a flushed face and a slight mustache?—A. Yes, sir; I did.

Q. And that he was a spare-built person?—A. I think he was; I am not positive about that.

Q. You are near-sighted, and there was no light in the room?—A. I am near-sighted, and there was no light in the room. I saw him twice afterwards.

Q. Have you ever seen him since?—A. Yes, twice afterwards.

Q. Have you seen him since those occasions?—A. I think not; not to my knowledge.

Q. For whom did you vote for United States Senator as a member of the last legislature?—A. I voted for Anthony as long as he was before the House, and then I voted for Mr. Horton.

Q. You voted for Mr. Ingalls at no time?—A. I did not vote for him.

Q. You were not corrupted, then?—A. No, sir; not that I know of.

Q. What was your object or purpose in going to that room and having this interview with Mr. Merritt?—A. I had heard a great deal of talk about corruption money being used, and all that. It was my first experience in anything of that kind. After George T. Anthony was out of the way I was free to vote for whom I pleased; but these charges that I read in the different papers and different stories I heard made me think there was something wrong, that some money was being used, and for the purpose of finding out if I could whether it was so or not. That was my purpose and no other.

Q. It was for your own information merely?—A. Yes, sir.

Q. To guide you in your action for whom you should cast your vote?—A. Well, it was for my own information.

Q. You came to Topeka, you say, a strong supporter of George T. Anthony?—A. I did, although I was not instructed or anything of that kind.

Q. You knew that his candidacy was in direct opposition to Mr. Ingalls, did you not?—A. I did.

Q. You knew it was hostile?—A. Yes.

Q. Previous to the candidacy of Mr. Horton, Anthony was the most prominent and bitter opponent of Mr. Ingalls, was he not?—A. I was under the impression that he was the strongest opponent Mr. Ingalls had.

Q. How long before this conversation had it been that the first ballot for United States Senator had taken place in the legislature?—A. If you tell me on what day the first ballot took place I can answer you. I do not remember positively what day the first ballot was had.

Q. Do you know how many days it was, whether one, two, three, or four?—A. It was the night before the final vote was cast that this conversation took place.

Q. How long before that had Mr. Anthony ceased to be a candidate?—A. I think Mr. Anthony was a candidate that day before the house.

Q. How long had you been here at Topeka as a member of that legislature before the conversation you relate took place with Mr. Merritt?—A. I came up before the house met two or three days; had been here ever since.

Q. How long was it; a week or two weeks?—A. I am not positive. I expect it was a week or a little over a week; eight or ten days—something like that.

Q. You sought this interview merely to ascertain whether there was money being used in the matter of the election of a United States Senator?—A. I did.

Q. For your own information ?—A. Yes, sir.

Q. Not because you had any hostility to Mr. Ingalls ?—A. None at all.

Q. Did you make any such inquiries and investigations as to Mr. Anthony ?—A. I did not.

Q. Did you as to the candidacy of the other gentlemen who were named before the legislature as candidates ?—A. No, sir.

Q. You just sought the information in regard to Mr. Ingalls ?—A. Yes, sir.

Q. Had you had any conversation before this with Mr. Merritt upon the subject of the election of United States Senator ?—A. I do not remember positively whether I had had or not. I had had conversations with a great many and might have had with him, although I am not positive about it.

Q. Had you had any conversation with this unknown person before that ?—A. No, sir ; not that I know of.

Q. Was the name of Mr. Ingalls mentioned by this unknown person ?—A. Not that I remember. I do not remember his mentioning Mr. Ingalls's name.

Q. Did you ever see him in Mr. Ingalls's room before that time ?—A. Not to my knowledge. I might have done so, but I did not know him, and so I never noticed him, never met him.

Q. You went voluntarily there on no solicitation except your own volition, you say ?—A. I did that night.

Q. Did you not testify before the investigating committee of the legislature ?—A. I did.

Q. Was not your memory of the events at that time as good as it is now ?—A. I expect it was. I think so ; perhaps better.

Q. You had no intention of accepting money yourself, had you ?—A. No, sir ; I had not.

Q. The first time the subject of money was talked of was with this unknown person, was it ?—A. I think it was. I do not remember whether anything was said about money at the time Mr. Merritt and I talked or not.

Q. Can you now state to the committee any conversation that Mr. Merritt had with you about money before going to this room ?—A. The night that I met him there in the room I spoke about a newspaper in our county, and we talked about that, but whether there was anything said about money in connection with it or not, I do not remember.

Q. What did you tell him about the newspaper ?—A. I told him there was a newspaper down there that I wanted to get control of.

Q. And that was all that was said about any money between you ?—A. That is all I remember.

Q. And he referred you to this room 117 ?—A. Yes, sir.

Q. And when you went up there you say that there was an offer or something said about two hundred and fifty ?—A. Yes, sir.

Q. Was any money offered you ?—A. No, sir.

Q. You do not know, except from supposition, what two hundred and fifty it was ; you did not know what it meant, did you, from the words used ?—A. Well, of course I supposed that he meant \$250 in money.

Q. Did he say \$250 ?—A. No, I do not remember that he said anything about dollars.

Q. "Two hundred and fifty " for what ; for your vote for his side ?—A. Yes, sir.

Q. Is that your recollection of it now ?—A. That is. I am not positive whether he said money or not.

Q. You do not recollect having had any other conversation with this person than that which you have related?—A. No, sir.

Q. You were not seeking any opportunity to sell out yourself?—A. No, sir.

Q. It was simply a pure action on your part to ascertain whether there was any corruption in the Kansas legislature?—A. Yes, sir; it was.

Q. Had you made any expedition of this kind before this time?—A. No, sir; I think not.

Q. You had not made any such research through the camp of Governor Anthony, had you?—A. No, sir.

Q. You had not picked up any strikers in that camp?—A. No, sir.

Q. Had you been through the other camps that were here for the purpose of ascertaining whether there was any corruption or not?—A. No, sir; I never had heard of any.

Q. So you directed your attention to the first place where you heard there was any corruption money, did you?—A. I did.

Q. Was that a natural action on your part entirely?—A. How do you mean?

Q. Was it a natural act of your own volition that you sought out this place?—A. I went there of my own free will that night.

Q. Had you ever been in Senator Ingalls's room before this?—A. I had.

Q. On how many occasions before the final vote had you been in Senator Ingalls's room?—A. I do not remember; two or three or four times, though.

Q. Was this your first experience in the Kansas legislature?—A. Yes, sir.

Q. Why did you go to Senator Ingalls's room if you were a friend of Governor Anthony?—A. I had been requested by his friends to go up there several times; to go and see Senator Ingalls, by his friends.

Q. That was the occasion of your going there?—A. Yes, sir.

Q. Did you make known these facts before the final vote for Senator?—A. I do not remember. I think, though, that that night I spoke to Dr. Hodge about it.

Q. Were you not on the floor of the legislature in the joint convention when the final ballot was taken?—A. Yes, sir.

Q. Did you at that time tell the members of the legislature of the important fact that you had discovered, so that they might be informed that there was corruption going on?—A. No, sir.

Q. Did you tell any member of the legislature concerning it?—A. Yes, sir; I think I spoke to Dr. Hodge about it.

Q. When was that?—A. I think it was that same night, in the caucus.

Q. In what caucus?—A. In the Horton caucus.

Q. Was it spoken of publicly in that caucus by any one except what you told Hodge?—A. I think not.

Q. You were in that caucus?—A. I was.

Q. It was an opposition caucus to Senator Ingalls, was it not?—A. I presumed so.

Q. And you were there with that knowledge in your breast and did not disclose it at that time?—A. No, sir, except to Dr. Hodge.

Q. Do you know where this unknown man is now?—A. I do not.

Q. You are sure he had a slight mustache and a flushed cheek?—A. I am not positive about his mustache, but I am about his having a flushed cheek.

Q. You are not positive now about the mustache?—A. No, sir.

Q. State how he was dressed.—A. I think he was dressed in dark clothes.

Q. Had he his hat on or off?—A. He had his hat on, I think.

Q. He had his hat on, sitting on the side of the bed, without any light in the room?—A. Yes, sir.

Q. Did you shake hands with him when you went in?—A. No, sir.

Q. Who spoke first?—A. I do not remember who did speak the first.

Q. You do not know which spoke first?—A. I do not remember about it.

Q. You do not know whether Mr. Merritt went into the room with you and introduced you to him or not?—A. No, sir; I do not remember whether Mr. Merritt went into the room or not.

Q. And you do not know whether you spoke to this gentleman first or whether he addressed you first?—A. No, sir: I am not positive about it.

Q. Give us the first conversation—the first words that passed between you and this unknown person.—A. I expect we said "How do you do?" to each other; I do not remember.

Q. Do you know?—A. I presume we did.

Q. Who said that first?—A. I would not be positive who said it first.

Q. Your hearing is good, is it not?—A. It is.

Q. You do not know what the first remark was that you made. Do you pretend to say that all you recollect is that after going into the room he got up and offered you two hundred and fifty to vote for his side?—A. O, no; we talked there for a few minutes together.

Q. What did you talk about?—A. We talked about this election.

Q. What was said?—A. He spoke about the election, and wanted me to stand by and vote for their side and remain away from the caucus.

Q. Are those the first words you recollect his saying on that occasion?—A. I think so, although I am not positive about that. We talked away there for some time.

Q. And the only money that was talked about was on this occasion when there was no light in the room by this flushed gentleman with a slight mustache?—A. I do not think Mr. Merritt said anything about money at the time I talked with him, although we spoke about that other matter. Whether money was spoken of at that time or not, I do not remember positively.

Re-examined by Mr. WEBB:

Q. You said that before you went to Mr. Ingalls's room that night, you had heard that money was being used, and you went there for the purpose of ascertaining whether it was true or not?—A. Yes, sir.

Q. I ask you when it was that you had heard there was money being used on Mr. Ingalls's side in that election?—A. I had heard it several times.

Q. State whether or not it was frequently talked of, discussed around the hotel there—the Tefft House.—A. Yes, sir; I think it was.

Q. You yourself heard it frequently talked about there, did you not?—A. Yes, sir; on several occasions I did.

Q. Did you hear any statement that the Anthony men were using money at any time? Did you hear any such statement as that before you went to Ingalls's room?—A. I do not think I did as regards the Anthony men, although I heard once or twice that the other side were using money, but not particularly the Anthony men.

Q. (By Mr. EVEREST.) The opposition to Mr. Ingalls, you mean?—A. Yes; I heard that once or twice.

Q. (By Mr. WEBB.) From whom did that come?—A. I think Martin of Kingman spoke of it to me.

Q. From which side did it come?

The CHAIRMAN. These are questions about rumors at the hotel and on the streets in reference to the use of money by the various sides. It is carrying the examination a great way to permit such questions to be asked. Questions in reference to rumors on the street or somewhere else about the use of money are hardly admissible.

Mr. WEBB. We did not commence it.

The CHAIRMAN. It must be apparent to counsel that when they begin to inquire into rumors on the streets the evidence elicited is not such as can have any weight with an intelligent jury; and I hope the Congress of the United States has as much intelligence as an ordinary jury, at least.

By Senator CAMERON:

Q. When you saw that young man with whom you stated you had this negotiation in the office of the Tefft House, did you inquire of any one what his name was?—A. No, sir; I did not.

Q. You never made any inquiry as to his name or residence?—A. I believe not.

CHARLES E. FAULKNER, a witness called by the memorialists, sworn and examined.

By Mr. WEBB:

Question. Were you a member of the house of representatives of the legislature of Kansas at its last session?—Answer. I was.

Q. Representing the county of Saline?—A. Yes, sir.

Q. Were you elected as a Republican, Democrat, or Greenbacker?—A. I was elected as an independent Republican.

Q. Do you know whether or not the Republican members of the legislature held any caucuses with a view to the selection of some candidate to be voted for by the Republicans for the office of United States Senator?—A. They did.

Q. How many sessions of that Republican caucus were held, to your knowledge?—A. There was only one regular caucus. There were two preliminary meetings—the first meeting, called to discuss the advisability of holding a Republican caucus, at which meeting a committee was appointed to draft rules to govern the action of the caucus; and a second meeting, to adopt the rules and agree upon a plan of action. Then caucuses were held and three ballots were taken.

Q. Were you present at the time the ballots were taken in the caucus proper?—A. I was.

Q. Can you state the number of votes given for each candidate voted for at that caucus?—A. Yes, sir.

Q. State what it was.—A. On the first ballot in that caucus there were for Senator Ingalls, 54; for Mr. Anthony, 23; for Mr. Simpson, 16; for Colonel Phillips, 11; for Judge Campbell, 7; for Judge Horton, 2; for Mr. Thatcher, 2; and for Judge Kingman, 1. On the second ballot there were for Senator Ingalls, 56; Mr. Anthony, 24; Mr. Simpson, 17; Mr. Phillips, 10; Mr. Campbell, 7; Mr. Horton, 2; and Mr. Kingman, 1. On the third ballot there were for Senator Ingalls 55; for Anthony, 23; for Simpson, 17; for Phillips, 10; for Campbell, 7; for Horton, 2; for Kingman, 1. Substantially the same result on each ballot.

Q. Give the total number of Republicans present.—A. One hundred and sixteen or one hundred and seventeen, I think.

Q. What was the highest number of votes given for Mr. Ingalls?—A. Fifty-six on the second ballot.

Q. Did that caucus make a nomination?—A. It did not.

Q. Was there any meeting of the Republican caucus subsequently to that evening and any balloting taken?—A. There was not.

Q. What day of the month was that caucus held?—A. It was held, I think, on Monday evening, the 27th of January.

Q. Was any other caucus held, to your knowledge, composed of members of the legislature, for the purpose of agreeing upon a candidate to be supported by them?—A. Yes, sir.

Q. When was such caucus held?—A. I do not remember the day, but I think after the first ballot in the legislature was taken—that evening.

Q. Was not that known as the anti Ingalls caucus?—A. It was.

Q. Did that caucus, at that time, make a nomination?—A. They did.

Q. When, do you say, that caucus was held?—A. I think it was held the evening after the first ballot. I may be mistaken as to the date. I do not remember.

Q. Was it not the night preceding the final ballot?—A. It was the night preceding the election.

Q. Had that caucus more than one session?—A. No, sir; only one session.

Q. Were you one of the clerks of that caucus?—A. I was.

Q. It was the anti-Ingalls caucus?—A. Yes, sir.

Q. Did that caucus make a nomination?—A. They did.

Q. Who was the nominee?—A. Judge Horton.

Q. Albert H. Horton?—A. Albert H. Horton.

Q. How many votes were cast in the caucus for Albert H. Horton for United States Senator?—A. I do not know that I can state positively the number of votes cast. There were some members who were identified with that interest who were not present who were vouched for by those who were present. I think there were 84 or 85 votes. That is my best recollection.

Q. Actually cast?—A. Actually cast.

Q. And you think there were several men not present who were vouched for?—A. There were some men not present who were vouched for.

Q. Can you give the names of any members who were not present at that caucus who were vouched for as opposed to Senator Ingalls?—A. I believe that Mr. Raybell, of Greenwood County, was not present, for one, if my recollection serves me right. I do not know that I can recollect the names of all of them.

Q. How was it with Miller, of Leavenworth?—A. I believe Mr. Miller was absent. He was sick at the time, I think.

Q. How as to Mr. Wait, of Lincoln?—A. I am not certain whether Mr. Wait, of Lincoln, was present at that caucus or not. I know that he was sick at the time.

Q. How was it with Mr. Huffaker; was he present?—A. I cannot say whether Mr. Huffaker was present or not.

Q. How as to Mr. Martin, of Labette?—A. I do not remember whether Mr. Martin was present.

Q. Were you personally acquainted with Senator I. O. Savage?—A. I was.

Q. Do you know whether he was or was not in that anti-Ingalls caucus?—A. He was.

Cross-examined by Mr. EVEREST:

Q. Do you denominate this last caucus as the Horton caucus?—A. The anti-Ingalls caucus.

Q. Do you mean to be understood that that was a Republican caucus, or a caucus irrespective of party?—A. A caucus irrespective of politics.

Q. What was the rule that was adopted in the Republican caucus which was held at first at which you say there were 117 members?—A. The rule was that it should take 85 to nominate.

Q. Which was a majority of the whole legislature?—A. Yes, sir.

Q. The Republican caucus finally broke up after having three or four ballots without coming to any conclusion at all?—A. I think we adjourned to meet again; but never met.

Q. How many votes do you say were actually cast in the Horton caucus?—A. My best recollection is that there were either 83 or 84 votes cast in that caucus.

Q. And the rest were vouched for?—A. Yes, sir.

Q. Did not some of the members leave when Mr. Horton's candidacy was announced there without voting?—A. There was one that I remember.

Q. Who was that?—A. I am not sure whether he left after or just before. It was Senator Robinson.

Q. Of Douglas?—A. Of Douglas County.

Q. Did not Representative Hamilton, of Marshall, leave?—A. I do not remember his leaving the caucus.

Mr. FENLON. Mr. Chairman, in the matter of the order made yesterday, counsel for the memorialists have submitted the names of senators and members of the house the integrity of whose votes would not be questioned. We have a right to assume that the votes of those whose names are not contained in that list are attacked. We therefore renew, so far as those gentlemen are concerned, our motion heretofore made, that subpoenas be issued for them.

The CHAIRMAN. The committee will issue subpoenas for those members of the legislature, returnable on Tuesday next.

The committee adjourned until to-morrow at half past nine o'clock a. m.

THURSDAY, September 25, 1879.

The committee met pursuant to adjournment, all the members being present, and also Messrs. Eggers, Stumbaugh, and Webb, of counsel for the memorialists, and the respondent with his counsel.

The CHAIRMAN. Application was made yesterday to introduce the testimony or statement made by Mr. Shaw before the legislative committee of Kansas as evidence. This committee have consulted in reference to the propriety of the application, and have concluded that at the present stage of this investigation its introduction would not be proper. Subpoenas have been issued for witnesses, and it may be that Shaw himself may be here. We do not indicate what may be the action of the committee hereafter. We simply say that in the present stage of the proceeding the application cannot be granted.

JAMES P. FARNHAM, a witness called by the memorialists, sworn and examined.

By Mr. WEBB:

Question. Do you reside in the city of Topeka?—Answer. Yes, sir.

Q. State whether you were the clerk of the hotel known as the Tefft House in this city during the month of January last?—A. Yes, sir.

Q. How long were you clerk in that hotel?—A. Seven months.

Q. From what period of time to what period?—A. From the 1st of September, 1878, to the 1st of April, 1879.

Q. Are you personally acquainted with Senator Ingalls so as to know him?—A. Yes, sir.

Q. With James S. Merritt?—A. Yes, sir.

Q. You may state whether or not rooms were engaged for the use of Mr. Ingalls and his friends at the Tefft House at any time in January or previous to January last.—A. They were.

Q. Who engaged the rooms?—A. Mr. Merritt.

Q. What is his first name?—A. James S.

Q. When did Mr. Merritt engage the rooms?—A. Previous to the month of January.

Q. Are you able to state about what time?—A. No, sir; I cannot.

Q. How many rooms did Mr. Merritt engage?—A. Three.

Q. On what floor?—A. The first floor above the office.

Q. Is that the floor known in the hotel as the second floor?—A. Yes, sir.

Q. Can you state the numbers of the rooms Mr. Merritt engaged?—A. Yes, sir.

Q. State them.—A. 17, 19, and 21.

Q. State how they were situated with respect to each other.—A. 17 and 19 were a suite of rooms south of the parlor, a door leading from the parlor into number 19—19 being the corner room—and a door leading from 19 into 17.

Q. Was there an outside door to 17?—A. There was a door out of 17 into the hall-way.

Q. That door in 17 is in the west end or side of that room?—A. The west end.

Q. And leads into a hall?—A. Yes, sir.

Q. How is room 21 situated with respect to 17?—A. Opposite 17.

Q. To the west?—A. Yes, sir.

Q. With a door nearly opposite the door of 17?—A. Right opposite.

Q. Was Mr. Ingalls there at the Tefft House occupying either of those rooms during what was known and spoken of as the Senatorial contest last January?—A. Yes, sir.

Q. What room or rooms did Mr. Ingalls occupy during that period of time?—A. I cannot say which room or what room. He might have occupied all three of them at different times.

Q. Can you state what room or rooms Mr. Merritt occupied?—A. I cannot answer that.

Q. I will ask you if they were assigned to particular rooms?—A. Not a particular one of the three rooms.

Q. Were there beds in any of the rooms or in all of them?—A. Yes, sir; in all.

Q. How many beds?—A. One bed in each room. There might have been two beds in 21. It was a double room, but I was thinking one of the beds was taken out.

Q. There were two beds in 21, and one in each of the other rooms, 17 and 19?—A. Yes, sir.

Q. For whom did Mr. Merritt engage those rooms?—A. For Mr. Ingalls.

Q. State whether there was any stipulation or contract as to the

length of time they would be occupied by Mr. Ingalls.—A. They were to be occupied until after the Senatorial election.

Q. Now state how long they were in fact occupied by Mr. Ingalls.—A. About twenty days.

Q. Can you state whether they were in fact occupied until after the election of United States Senator?—A. Yes, sir.

Q. Who paid for the rooms?—A. Mr. Merritt.

Q. The same gentleman who engaged them?—A. Yes, sir.

Q. Do you remember how much he paid for the use of the rooms during the twenty days they were occupied as you have stated?—A. I do not recollect.

Q. Can you state from reference to the cash-book of the hotel?—A. Yes, sir.

Q. Is that book within reach?—A. The books are within reach; they are in the city.

Q. Where are the books?—A. I think they are at Guil's bank.

Q. Are you not mistaken in that?—A. They are in the bank where Mr. Bradford Miller is.

Q. You mean Mr. Guilford Dudley's bank?

The WITNESS. That is it.

Mr. WEBB. Is there objection to Mr. Farnham stepping up there and getting those books?

Mr. FENLON. Let him state from recollection what they show.

Mr. WEBB. All we care about is the amount, I suppose. (To the witness:) Can you state, without reference to the books, about the amount Mr. Merritt paid?—A. About \$800, more or less.

Mr. WEBB. That is \$300 more than we supposed.

Mr. MERRITT. And \$11 less than it was. It was \$811.

Mr. WEBB. With your consent Mr. Farnham can state the exact amount as \$811.

Mr. MERRITT. That is just what it was.

Q. (By Mr. WEBB.) Are you acquainted with a man by the name of Danford, whose initials I believe are J. S.?—A. Yes, sir.

Q. Where did he reside?—A. In Osage City, Kansas.

Q. Was he present at the Tefft House during the Senatorial election, the whole or any part of the time?—A. Yes, sir.

Q. Which was it, the whole of the time or part of the time?—A. A part of the time.

Q. How many days was Mr. Danford there during the Senatorial election, speaking from your best recollection, of course?—A. I do not know. I cannot say how many days he was there. He was there off and on during the time.

Q. Are you able to state what room he occupied while there?—A. He was assigned to 120.

Q. On which floor was that?—A. The third floor.

Q. The second floor above the office?—A. Yes, sir.

Q. Do you remember who engaged room 120?—A. I think C. M. Foulkes, of Osage City.

Q. When did Mr. Foulkes engage that room with reference to the Senatorial election?—A. About the first of the Senatorial election.

Q. About the first of the week of the Senatorial election?—A. I think it was the first week of the Senatorial election.

Q. The first week, or the first of the week?—A. The first week.

Q. You must have reference to the canvass—the week preceding the one in which the vote was taken. How long was it occupied under that

arrangement made by Mr. Foulkes?—A. From two to three weeks, I think.

Q. Was that room occupied by Mr. Foulkes during that period of time?—A. The most of the time; he was not there all the time.

Q. Were he and Mr. Danford both there at the same time?—A. Yes, sir.

Q. And when there, either or both of them occupied that room?—A. Mr. Danford did not occupy the room all the time that he was there.

Q. Had Mr. Danford any other room assigned to him?—A. A. Yes, sir.

Q. What other room?—A. I cannot say.

Q. Do you remember on which floor it was?—A. No, sir.

Q. Were you personally acquainted with Mr. Foulkes, or did you become acquainted with him?—A. Yes, sir.

Q. Are you able to state whether Mr. Foulkes, was there taking any interest or part in the Senatorial election or contest then pending?—A. No, sir.

Q. Do you know what his business was there at the hotel during that time?—A. No, sir; I do not.

Q. Do you know whether Mr. Danford was there taking any part or interest in the Senatorial election or canvass?—A. No, sir; I do not know that he was. I supposed he was.

Q. Do you know a gentleman by the name of Calvin Hood residing at Emporia?—A. I know of him.

Q. State whether or not he was there at the Tefft House, having rooms there, staying there during any part of the Senatorial canvass?—A. I think not.

Q. Do you know Judge B. W. Perkins?—A. Yes, sir.

Q. Was he there a guest of the hotel through any portion of the Senatorial canvass?—A. Yes, sir.

Q. Do you remember what room or rooms were assigned to him and occupied by him?—A. I think he had 86.

Q. Did you know whether he was there taking any active part or interest in the Senatorial canvass?—A. I do not know.

Q. How long was he there?—A. Some two weeks.

Q. Was he there until after the election was consummated?—A. I think he was.

Q. State, if you can, what length of time Mr. Foulkes occupied the room engaged by him?—A. Something like two weeks.

Q. Did he so occupy it until after the Senatorial election?—A. I think he did.

Q. Do you know Mr. Joseph C. Wilson, a resident of this city?—A. Yes, sir.

Q. Was he there at the hotel at any time during that canvass?—A. Yes, sir.

Q. How often; every day?—A. Yes; I saw him nearly every day.

Q. At the rooms in the hotel, to your knowledge?—A. No, sir.

Q. Are you able to state what room or rooms he was generally in when there?—A. I generally used to see him upon the second floor, about 17 and 19 and the parlor.

Q. And 21?—Yes, sir, and 21.

Q. Those were the rooms that were engaged by Mr. Merritt?—A. Yes, sir.

Q. Rooms 17, 19, and 21, and the parlor which adjoins 17 and 19?—Yes, sir, and I have seen him in other rooms also.

Q. What other rooms?—A. I have seen him in 94 for one room.

Q. Did you ever see him in 86?

Mr. PECK. I suggest that there is a mistake in the diagram. The room marked 18 should be 21.

Mr. WEBB. Yes, that is true. We shall have to get the man who made the diagram to correct it.

The CHAIRMAN. By the consent of counsel, who know the locality of these rooms, the correction may be made now.

Mr. PECK. We will consent to anything that is according to the fact. (The diagram heretofore received in evidence was corrected by changing the room marked 18 to 21.)

Cross-examined by Mr. EVEREST:

Q. Quite a number of gentlemen who were candidates for United States Senator occupied rooms at the Tefft House at that time, did they not?—A. Yes, sir.

Q. A great crowd gathered there also during the Senatorial canvass?—A. Yes, sir.

Q. Do you recollect what other Senatorial candidates occupied rooms at the Tefft House?—A. Yes, sir.

Q. Did George T. Anthony?—A. Yes, sir.

Q. State who made the agreement for his rooms, if you know?—A. He, himself.

Q. What rooms were they?—A. He had number 15.

Q. What other room was also occupied by him and his friends in connection with it?—A. Number 12.

Q. What other Senatorial candidate had rooms there during this canvass?—A. Mr. B. Simpson.

Q. What room did he occupy?—A. 84.

Q. Did Mr. Horton have rooms there also?—A. No, sir.

Q. Did Mr. Clarke, the speaker of the house, have rooms there?—A. Yes, sir.

Q. Who paid for Anthony's rooms?—A. Himself.

Q. Who paid for Mr. Simpson's?—A. Himself.

Q. Do you know how the rooms occupied or engaged for Senator Ingalls were paid for and by whom?—A. Yes, sir.

Q. How were they paid for?—A. Paid in drafts.

Q. On whom and by whom drawn?—A. Mr. Ingalls.

Q. On whom were they drawn?—A. They were drawn on Mr. Ingalls, I think.

Q. By whom?—They were drawn by Mr. Merritt.

Q. Do you know who paid for the rooms occupied by Anthony?—A. He paid for them himself.

Q. Do you know who paid for the rooms occupied by Mr. Simpson?—A. He paid for them himself.

Q. Did Mr. Sidney Clarke also have rooms at the Tefft House during this time?—A. Yes, sir.

Q. Was he taking an active part in the Senatorial canvass?—A. Yes, sir.

Q. Who engaged his rooms?—A. Himself.

Q. Who paid for them, if you know?—A. There did not any one pay for them.

Q. Now, I ask you if you know who occupied room 117, on the third floor, the night before the last ballot that was had in the legislature for United States Senator?—A. W. H. Page.

Q. Who is W. H. Page?—A. I do not know the gentleman. He registers from Sterling, Kansas.

Q. Do you know his business?—A. No, sir.

Q. How long had he been there?—A. About two days.

Q. Do you know what his business was while he was here?—A. No, sir.

Q. Who last occupied that room with him?—A. I think B. L. Bleyer.

Q. Did they occupy that room together on that evening?—A. Mr. Bleyer came there on the 29th and I think he occupied the room on the 30th.

Q. With Mr. Page?—A. With Mr. Page.

Q. Do you know Mr. Bleyer's business?—A. Yes, sir.

Q. What is it?—A. He represents a wholesale liquor house in Cincinnati, Ohio.

Q. Do you not know that Mr. Page was also a commercial traveling man?—A. No, sir; I do not.

Q. You do not know what his business is?—A. I do not know his business; I never knew him as a traveling man.

Q. Do you know what sort of a looking man Mr. Page was?—A. No, sir.

Q. Or Mr. Bleyer?—A. Yes, sir.

Q. Describe to the committee Mr. Bleyer.—A. Mr. Bleyer is of medium height, light complexion, rather small; he has a black moustache and black hair.

Q. Were there any rooms engaged by S. C. Pomeroy, during the Senatorial canvass, at the Tefft House?—A. Yes, sir.

Q. What rooms were they and on what floor?—A. 94, 96, 119, and 121.

Q. What rooms did he, as a matter of fact, occupy himself?—A. At the time when he had 94 and 96 he had no other rooms. He changed from those rooms to 119 and 121.

Q. On the evening previous to the last ballot, what rooms did he occupy at the Tefft House?—A. 119 and 121.

Q. As I understand you, going north out of room 17, which had been assigned to Mr. Ingalls, you go into a large hall?—A. Yes, sir.

Q. With a flight of stairs there leading to the third floor?—A. Yes, sir.

Q. At the head of the flight of stairs leading to the third floor, turning to the right directly from Mr. Ingalls's room, what room would you come to?—A. Mr. Pomeroy's.

Q. And going up this flight of stairs and turning to the right, you would enter the rooms that had been assigned to Mr. Pomeroy?—A. Yes, sir; directly over 17 and 19.

Q. Who paid for Mr. Pomeroy's rooms?—A. He himself.

Q. The Tefft House was the headquarters of nearly every Senatorial candidate except Mr. Horton, was it not?—A. Yes, sir.

Q. Of every one—Mr. Simpson, Mr. Anthouy, Mr. Pomeroy?—A. Yes, sir.

Q. And Mr. Ingalls?—A. Yes, sir.

Q. Do you know what Mr. Pomeroy paid for his rooms?—A. I do not, exactly. I know what he paid for 119 and 121.

Q. He only occupied them a few days?—A. Yes, sir.

Q. How many days?—A. I think, about ten days.

Q. How much did he pay for them?—A. \$250. He made a special contract.

Q. Your business did not lead you to inquire or ascertain the purpose of these gentlemen in occupying rooms particularly, did it?—A. Only as they engaged them.

Q. That was all?—A. That was all.

Q. Was Mr. Ingalls in the city when the rooms were engaged for him by Mr. Merritt?—A. No, sir.

Q. I understand that the rooms occupied by Mr. Pomeroy were at the head of the stairs leading to the third story at the right?—A. Yes, sir; at the right.

Q. Room 117 is directly at the head of the stairs, or a little to the left of them, in front?—A. It is right on the north side of the front building.

Q. How near the room 119, occupied by Mr. Pomeroy?—A. Right across the hall. You turn into this little hall here to the left.

Q. Then one going to room 117 would find it immediately at the head of the stairs, a little to the left?—A. A few feet from the head of the stairs, directly north.

Q. Would it not be a little to the left?—A. Just as that diagram represents.

Q. It would be almost directly in front of the head of the stairs?—A. Yes, sir.

Q. And one going up to the head of the stairs and going into Mr. Pomeroy's room would have to turn to the right?—A. Exactly.

Q. Do you recollect how much money was paid by Mr. Merritt at the time the rooms were engaged or afterwards in currency?—A. I think \$200 in currency.

Q. You are not positive in regard to that?—A. No.

Q. How much was the draft that Mr. Merritt made upon Mr. Ingalls for the use of those rooms?—A. I cannot state exactly.

The committee took a recess until half past two o'clock p. m., and resumed its session at that hour.

JAMES P. FARNHAM, a witness for the memorialists, recalled :

By Mr. WEBB :

Question. I omitted to ask you before if you were acquainted with a gentleman known as Col. A. C. Dawes?—Answer. Yes, sir.

Q. Was he a guest at the Tefft House during any portion of the time spoken of as the Senatorial canvass last winter?—A. Yes, sir.

Q. About what length of time was he there?—A. About ten days.

Q. Had he a room or several rooms there?—A. Yes, sir.

Q. State the numbers of his rooms?—A. 81 and 94. He was there two different times.

Q. Do you know who paid for the use of his rooms—who paid his bills there in the hotel for that period of ten days?—A. Yes, sir.

Q. Who did pay them?—A. Mr. Merritt—included in Mr. Ingalls's bill.

Q. Was the bill for Mr. Dawes's board and rooms included in the \$800 bill you spoke of as having been paid by Mr. Merritt for Mr. Ingalls?—A. Yes, sir.

Cross-examined by Mr. EVEREST :

Q. Were there not other gentlemen also there who were guests of Senator Ingalls?—A. Yes, sir.

Q. And took meals there?—A. Yes, sir.

Q. And also of the other candidates for Senator?—A. Yes, sir.

Q. That was nothing out of the ordinary custom of all the candidates at that time, was it, to have friends visit them at the hotel?—A. No, sir.

Q. And they paid their bills?—A. Yes, sir.

Q. You simply say that Mr. Dawes's bill was included in the \$811 spoken of?—A. Yes, sir; included in Mr. Ingalls's bill.

Q. I did not understand you to mean that he occupied two rooms at the same time?—A. No, sir.

Q. He was there at two separate times, one time occupying 81 and the other time 94?—A. Yes, sir.

No other witnesses being present whom counsel were prepared to examine, the committee adjourned until to-morrow at 10 o'clock a. m.

FRIDAY, *September 26, 1879.*

The committee met pursuant to adjournment.

Present, all the members; also, Messrs. Eggers, Stumbaugh, and Webb, of counsel for the memorialists; and the respondent with his counsel.

The CHAIRMAN. I understand that in addition to the witnesses who were present last night several others have reported, and one or two are in the city who have not yet reported at the desk. Are you ready to proceed, gentlemen?

Mr. EVEREST. We are ready on the part of the respondent.

Mr. WEBB. Mr. Chairman, three of the witnesses announced as present, Mr. Shaw, Mr. Beaty, and Mr. Fry, were summoned on the part of the memorialists, but I am advised that they are not to be called except in rebuttal, and we are perfectly willing that they should be excused until we need them. I am instructed to say in this regard that Colonel Stumbaugh has information that two of the most material witnesses are now on the way here and will be here possibly on the train from the south at noon, and we can then go on without any interruption.

The CHAIRMAN. Perhaps at this point I may as well announce to the gentlemen on both sides the determination which the committee have come to. There are now twenty-two witnesses subpoenaed who have reported, and four others, I believe, who are in the city, but who have not yet reported to the sergeant-at-arms. When these persons report we shall have twenty-six witnesses here, besides those who have been examined and those who have been excused, waiting for examination. This is the fifth day of this investigation here. These witnesses are in attendance in obedience to subpoenas of this committee issued by the request of counsel on the respective sides, and the committee think that they have granted all proper indulgence. They have come to the conclusion that to-morrow morning they will proceed to clear the subpoena docket. We now announce to the counsel on both sides that that is the conclusion of this committee. They will call the witnesses of the memorialists so long as they have any witnesses, and when they are through with them the committee will call the witnesses of the respondent, until the subpoena docket is cleared. We shall act upon that order to-morrow morning.

F. M. SHAW, a witness subpoenaed by the memorialists and the respondent, announced his presence.

The CHAIRMAN. The committee are of the opinion that if any witness summoned here knows anything, he can readily tell it. The issues are simple; the question is merely as to whether the election of Senator Ingalls was procured by bribery by himself or his authorized agents. That is the issue. If any witness who has been subpoenaed knows anything upon that question, he can deliver his testimony as well at one point as at

another. I was on the committee that inquired into similar charges in the case of Senator Grover; that committee was under the chairmanship of Mr. Morton, well known to the country, and that was the order in which it proceeded—taking the testimony of the witnesses as they came before it, without reference to the party by whom they were subpoenaed. While it may be more convenient for counsel to present their testimony consecutively, we do not hesitate to express it as our opinion that if any witness summoned knows anything bearing upon the issue, he can deliver his testimony about as well at one time as at another. What he knows he knows and can state; if he knows nothing about the matter he can say so and be discharged. The committee, after consultation upon this subject, with a strong desire to accommodate counsel on both sides, with no disposition whatever unduly to hurry counsel on either side, have come to the conclusion that it is their duty to proceed with this examination, and I will add that that is the unanimous judgment of the committee.

Mr. WEBB. Mr. Chairman, we do not desire to appear here as having witnesses present before the committee or actually reported to the sergeant-at-arms as present in the city in obedience to process duly issued, and as failing to call them; but I understand that is the unfortunate dilemma in which we are placed here, and by "we," I mean the committee, the respondent and his counsel, and the memorialists.

Mr. FENLON. We are in no embarrassment whatever about anything. Speak for yourself.

Mr. WEBB. The opinion of the committee upon its arrival here was that we should proceed immediately to the examination of witnesses. That undoubtedly was due, in part at least, to the fact that the committee were not advised and did not understand that the witnesses resided so far from the capital and that it was so difficult to obtain their attendance; and as I understand—and I get that information from Mr. Riggs, who is the counsel proper in this case—the committee notified him and Colonel Stumbaugh and Mr. Eggers that the names of witnesses must be furnished and process issued immediately. Of course they could do no otherwise than furnish the committee the names, and the committee issued the process and the officers served it. Unfortunately for us, at the present time, very many of the witnesses whom we do not need, unless Mr. Hossack personally goes upon the stand, have been brought here and there is not a single word of their testimony which would be pertinent to the direct issue as stated by the chairman unless Mr. Hossack goes upon the stand. We do not desire to put upon paper or to have this committee put upon paper the testimony of any witness that shall not perform any office whatever in the investigation which the committee was appointed to make. If Mr. Hossack shall be called by the respondent, several of the witnesses whom we have summoned will perhaps become material, if he gives the same testimony here which he gave before the committee of the house of representatives of the legislature of Kansas; not otherwise. There is no witness now here on our part who can give any testimony that would be material at all to the solution of the issue as stated by the chairman, as I am advised; but we are informed that the important witnesses who were examined on the former investigation are now on their way and will be here during the day or this evening, so that tomorrow morning we can unquestionably proceed without further delay. While it is not pleasant at all for us to ask delay, we are under the necessity of suggesting that unless the respondent is ready to proceed we

shall have nothing to do to-day, and we might just as well now take a recess or adjourn until to-morrow morning.

The CHAIRMAN. Mr. Webb, I understand from your remarks that several of these witnesses were summoned here to give testimony in rebuttal of the testimony of Mr. Hossack delivered before the legislative committee. Knowing what Mr. Hossack's testimony was before that committee, can you not with propriety now introduce witnesses for the purpose of rebutting that testimony and let them give their statements as original statements in reference to those facts? And you may, if you see proper, interrogate them with the testimony of Mr. Hossack in your hand. Of course I do not wish to dictate anything to counsel, but I make this suggestion in order that we may proceed.

Mr. WEBB. The chairman of the committee must excuse us. Mr. Hossack was not cross-examined in that investigation, as I am advised. If we should proceed with the rebuttal with Mr. Hossack's testimony in our hands to inquire as to certain matters and facts, and Mr. Hossack should not be placed upon the stand, need I suggest that the respondent through his counsel will ask that the testimony of Mr. Hossack be placed on record here? We say that testimony is not true, and we do not want it to be taken as such by having undertaken to rebut it first. Not at all do we consent to put any witness on the stand upon the purely rebutting part of our case so far as Mr. Hossack is concerned, until he has been personally on the stand and delivered his testimony here.

Senator BAILEY. Has Mr. Hossack been summoned by either party?

Mr. WEBB. He has not been summoned by us; whether he has been by the other side we know not.

Mr. EVEREST. A subpoena was issued for him, and the sergeant-at-arms was requested to notify him by telegram. I understand from the sergeant-at-arms that the operator at the Girard telegraphed that the dispatch to Mr. Hossack could not be delivered; that he no longer resided in the neighborhood.

Mr. WEBB. I have been told by some gentlemen who came up with him on Monday or Tuesday on what is known as the Gulf Railroad to Kansas City, that he was going there to attend the fair. He came part of the way with one of our witnesses. We know nothing further about Mr. Hossack.

Mr. WILLIAMS. I desire to state that Mr. Hossack was cross-examined at great length before the legislative committee by Mr. John Hall, a member of that committee, and recalled by him also, and examined directly nominally; but really it was a cross-examination, as will be seen by reference to page 61 of that report. That report was made part of the memorial in this case, and is before this committee.

Mr. WEBB. Who is Mr. Hall?

Mr. WILLIAMS. Mr. Hall was a member of the committee, from the county of Neosho, and submitted the only report which was submitted against Senator Ingalls. I will state further, for the information of the gentleman, that Mr. Hall was the prosecuting attorney for the memorialists before that committee; not ostensibly, of course, because he was a member of the committee, but the record abundantly discloses who and what Mr. Hall was. He had the direction of the testimony as taken down by the clerk, and he directed the clerk to enter the fact of a "cross-examination by Mr. Hall," and it so appears by the record, and hence I take it this committee has a right to assume of this testimony being a part of the memorial that it was what it purports to be, a cross-examination, which these gentlemen say did not take place. Now, if

the committee please, we would suggest that we are willing this testimony should be read to enable these gentlemen to proceed with their witnesses in rebuttal of the testimony given by Mr. Hossack, Mr. Hossack not being found, and it being possible that he may not be found. His testimony is part of the memorial before the committee, and by reading it now the gentlemen will be enabled to rebut it.

Mr. FENLON. So that there may be no misunderstanding, after consultation between counsel for the respondent, we now offer to read the testimony of Mr. Hossack as found in the record of the legislative committee, certified to by the clerk of the house.

Senator BAILEY. Has any effort been made to ascertain the residence of Mr. Hossack?

Mr. FENLON. I cannot tell what effort has been made other than what the sergeant-at-arms knows.

Senator BAILEY. Has a subpoena been actually sent for him?

Mr. WILLIAMS. His residence is well known.

Senator BAILEY. Has a subpoena been sent to his residence?

Mr. WILLIAMS. I so understand.

Mr. EVEREST. He was telegraphed to, and a subpoena was sent to him. We have used every means we could to ascertain his whereabouts.

Senator VANCE. Has there been any return made to the subpoena?

Mr. EVEREST. A telegraphic dispatch says that he could not be found at his residence, and I understand that Mr. Higgins has not yet returned with the subpoena.

Senator BAILEY. It has been stated that he went to Kansas City on Monday. Has any effort been made to serve him with a subpoena there?

Mr. FENLON. The first we heard of that was the suggestion of counsel just now.

Mr. WEBB. I think Mr. Playter told me that Hossack came up on the cars with him.

Mr. EVEREST. I understand that Mr. Higgins, who went out with the subpoenas, has some information on the subject, but he has not yet returned. We have been as anxious to get Mr. Hossack here as we possibly could be. We are not anxious to commence our case, but we are willing to do it if the committee desire, to obviate any cause of delay.

The CHAIRMAN. We understand Mr. Shaw is here. An offer was made the other day to introduce his testimony before the legislative committee, and it was declined on the ground that at that time it was premature. If gentlemen on either side desire his testimony they can put him on the stand. I do not know by whom he is summoned.

Mr. WEBB. By both sides.

The CHAIRMAN. Why cannot Mr. Shaw be put upon the stand?

Mr. FENLON. If the memorialists have summoned him for some purpose, let them proceed with him; we have not anything to say now.

The CHAIRMAN. Mr. Webb, do you desire to call Mr. Shaw?

Mr. WEBB. Not at this time, Mr. Chairman.

The CHAIRMAN. Do the gentlemen on the other side desire to call Mr. Shaw as a witness?

Mr. FENLON. Not at present.

F. M. SHAW. Mr. Chairman, can I be excused, then?

Mr. WILLIAMS. Mr. Chairman and gentlemen of the committee, we desire the testimony of Mr. Shaw in the event that any further testimony is produced in this case upon specification 2 against Mr. Ingalls. We cannot tell, of course, whether or not we shall desire his testimony, but we have a right to have him here until the gentlemen on the other

side have closed their case. We want to use him for a certain purpose in the event that the occasion arises. Mr. Shaw is not a witness friendly to the respondent in this case. I may as well say so at once. He will be, at best, an unwilling witness; a witness whom we would not trust, except for the fact that we have him upon the record. That kind of a witness, of course, we are not anxious to thrust before the committee to make out our case. We did not use him to make out our case. We expect to use him to impeach the testimony of Mr. Playter, who testified the other day, and certain other testimony which we anticipate, as we have a right to do from the former proceeding in the legislature, the other side will introduce. We may or we may not need him. We certainly do not hanker for him, but we want him here in the event that his testimony becomes necessary for us, to make him stick to the record he has already made for himself.

The CHAIRMAN. The committee will put Mr. Shaw on the stand upon their own responsibility.

Mr. EVEREST. Then the committee may put such questions as they see fit.

The CHAIRMAN. Yes, sir; and when we have examined him we shall discharge him, unless there shall be a desire to further interrogate him by the counsel on either side. We do this because here is a witness summoned by both sides and neither side, now that the witness is here, desires to examine him, but proposes to retain him to meet contingencies that may arise in the case. We do not think this committee is justified in retaining a witness for any such purpose. The witness is present, and if he knows anything in reference to this case, he can tell it.

FRANCIS M. SHAW sworn.

The CHAIRMAN. Now, if either side desires to examine the witness, the committee will allow the counsel to make such examination as they deem proper.

Mr. WILLIAMS. I suppose the memorialists are addressed first.

The CHAIRMAN. I address counsel generally, and if neither side desires to examine the witness, the committee itself will proceed to examine him.

Mr. EVEREST. We are ready to proceed on our side if it is so desired by the committee.

The CHAIRMAN. Very well.

Examined by Mr. WILLIAMS:

Question. Were you a witness before the investigating committee of the house of representatives of the legislature of Kansas last winter?—Answer. Yes.

Q. Did you give testimony there?—A. I did.

Q. (Handing to the witness the printed report with the testimony as submitted by the legislative committee.) I ask you to look over that and see if the pages I show you contain the testimony you gave.

A. (Examining.) Perfectly so, I think. There may be two or three words in there that I did not say.

Q. Was that testimony true?—A. As near as I can recollect, it was.

Q. Will you read that over and if any words are left out correct it by stating them?

The CHAIRMAN. The witness can read the testimony and just say whether it is correct or not.

The WITNESS. It is perfectly true.

Mr. WILLIAMS. I desire him to read it then as testimony here.

Mr. WEBB. And as he reads it let him state whether he desires to make any corrections.

The WITNESS. It is absolutely correct, though there may be words here and there that are not exact.

Mr. WILLIAMS. Just read it.

The WITNESS. This is it.

F. M. SHAW, being sworn, says :

My name is F. M. Shaw. I reside at Paola, Kansas; have lived there since May, 1889; am a banker and broker.

Question. Were you in this city during the late Senatorial election?—Answer. I was; I came here the Tuesday previous to the election of Mr. Ingalls, and remained till Friday, after the vote.

Mr. WEBB. Just wait a moment. I suggest, Mr. Chairman, that counsel ask the witness questions instead of his reading this from the book.

Mr. WILLIAMS. We desire to have the witness restate his testimony, as he says it is absolutely correct as there given.

The CHAIRMAN. If the witness says his testimony as printed there is correct, why is it not agreed by the counsel the testimony as there delivered may be now regarded as his testimony in chief, subject to cross-examination?

Mr. WILLIAMS. We very cheerfully agree to that. We have made that offer several times.

The CHAIRMAN. He says it is true that he delivered that testimony, and he is now proceeding to deliver it again. I do not wish to suggest anything to counsel, but it seems to me the proper course is what I have stated.

Mr. WILLIAMS. We have made that offer several times. It is what we are desirous of doing.

The CHAIRMAN (to the witness.) Proceed with your testimony, sir.

The WITNESS. This goes on :

Q. State what you know, if anything, concerning the payment of, or the offer or the promise to pay, money or other valuable consideration to any member of the present house of representatives of this State, to influence his vote in the late election for United States Senator by the legislature of this State.

Right there I told them that I knew nothing personally, only by hearsay, and wanted to know if they wanted my evidence by hearsay. They did not take it down that way.

A. I came here to help Major Simpson. I had a talk with Mr. Frank Playter and Ed. Brown, of Girard, Kansas. I asked Mr. Playter if he could not help us some in the election of Mr. Simpson for U. S. Senator. He told me that he didn't know why he should do it, as Ben. was not a very particular friend of his. This was on Tuesday. On Wednesday, the 29th, I had another conversation with Mr. Playter, in which he said probably Mr. Majors would vote for Mr. Simpson, but that he didn't think he could get Mr. Hossack. I asked him why. He said that Mr. Hossack was fixed. I wanted to know what he meant, and he told me that he had received Mr. Ingalls's money for his vote, and was going to vote for him. I asked him how much. He said a thousand dollars, but had only got \$500 in cash. The next day, Thursday, I had another conversation with Mr. Playter and Mr. Brown, and asked them if there was no way to get Mr. Hossack for Ben.; that I thought, perhaps, if Ben. was elected we could get some good contracts through him. He replied, "I don't think there is any show, because he has already got the enemy's money in his pocket." I said to him, "If that is a fact, can't you get him to put it down in writing?" He said, "I think so; but why do you want it?" I said, "If Mr. Ingalls is elected, and we have a piece of paper of that kind, it would be worth considerable money."

Now, there is a little mistake, and it is not as they read it to me when I gave it down, right here. They have got it here that I said, "If Mr. Ingalls is elected, and we have a piece of paper of that kind it would

be worth considerable money." I do not remember of just saying those words there, but I said "it would be worth considerable." I do not think "money" was put in. If you will allow me, I will state that I said "considerable;" but if not, I do not wish to go outside.

Mr. WILLIAMS. Go on until we get through with this, when you can make any correction you desire.

The WITNESS. Very well:

He said, "Why? and how much?" and I told him it would be worth more than \$500 to me. He asked me in what way. I told him I thought it would be a good thing in helping me to get done what Mr. Plumb did for Mr. Hood. I told him that I had heard that Mr. Plumb had sent Mr. Hood a cattle contract which they had made \$20,000 out of without turning their hands. He said he had no doubt but what he could get it, and he and Mr. Brown started off. I went to the State House that night. I saw Mr. Playter again the next morning, Friday, the 31st. I asked him if he had the paper signed, and he told me he had, with Ed. Brown as a witness to it. Some time during the last three days of the canvass, Mr. Playter took out some money out of his vest pocket and told me that there was a part of the money that Mr. Hossack got. I think he had two \$100 bills and two \$20s and a \$10. The next week Mr. H. M. Holden, of Kansas City, was at my house in Paola, and during his stay there this Senatorial matter came up. We were talking over the fact of Mr. Hossack getting money and giving it to Mr. Playter. Mr. Holden remarked how many channels a little bit of money would go through. He said Mr. Hossack paid Mr. Playter a debt, and Mr. Playter paid me a little debt that he was owing me, and said that he got the same money or a part of it. On the third of this month a gentleman came to my house and I took him to Crawford County to show him a farm I had down there. That evening I was at Mr. Playter's office, and I said to him, "Well, Frank, I have not seen you since we got beat at Topeka." He said, "No." I said to him, "If you had got Hossack to vote for Horton, he would now be United States Senator instead of Ingalls." He said, yes, he wished he had. I asked him if he had the paper still that Hossack signed. He said he had. I asked him to let me see it; he did so. I read it that time, and knew the signature of Mr. Hossack, also that of Mr. Brown. The instrument was in the handwriting of Mr. Playter; it was on one of the letter-heads of the Teft House. That was the original paper, and the first time that I had seen it. I am not acquainted with Mr. Hossack personally; I only heard that he was a commercial man; I mean by that, that he was always ready to trade or sell out.

F. M. SHAW.

Mr. WILLIAMS. That is all I desire to ask this witness, if the committee please.

The CHAIRMAN. Do the other side desire to cross-examine him?

Mr. WEBB. I desire to ask a few questions.

The CHAIRMAN. Proceed.

Cross-examined by Mr WEBB:

Q. Mr. Shaw, in the testimony which you have just given, wherever the word "Ben" occurs, whom did you mean?—A. I meant Major B. F. Simpson.

Q. I call your attention to a statement made by you, that you stated you wanted to know what he meant (speaking to Playter), and he told him that he had received Mr. Ingalls' money for his vote. Who did Playter say had received Mr. Ingalls' money?—A. Mr. Hossack.

Q. You also testify that in your conversation with Playter you said to him that the paper, or a statement from Hossack, would be worth more than \$500 to you, and that Playter asked you in what way. What answer did you make then?—A. I wanted to use it to defeat Mr. Ingalls. I would rather give \$500 and beat Mr. Ingalls then. Then I put in the other afterwards.

Q. You do not answer the question I asked. In what way would it be worth \$500 to you? What did you tell him in answer to that?—A. I told him that I thought it would help me beat Mr. Ingalls. That was one thing. And that it might help to do some other matters.

Q. I ask you if Mr. Bradbury's name was mentioned in the conversation between you and Mr. Playter?—A. It was.

Q. Who was Mr. Bradbury?—A. Mr. Bradbury was senator, from Miami County, and expected to vote for Mr. Ingalls when he first came up here.

Q. Did you tell Mr. Playter in that conversation how you expected to get Mr. Bradbury's vote for Simpson?—A. That he was to vote for Mr. Simpson first; but after there was no chance for Mr. Simpson he was to vote for Mr. Ingalls. He was nominated and elected upon that basis.

Q. You say further, that you told him you thought it would be a good thing in undertaking to get what Mr. Plumb had done for Mr. Hood. What Mr. Plumb was that?—A. Mr. Senator Plumb. I said that I had heard that Mr. Plumb had done that, as you will see, if you look at my statement there.

Q. I know; but I wanted to ascertain what Plumb it was.—A. Senator Plumb, of this State.

Q. What Mr. Hood was it?—A. I do not know Mr. Hood's initials. He lives at Emporia. He is vice-president of Mr. Plumb's bank, I believe.

Q. You next say that he—meaning Playter—said he had no doubt that he could get it, and then he and Brown started off. When did that occur; what day or night?—A. That was on Thursday night, the 30th of January.

Q. Was not that the evening before the final vote was taken in joint convention to elect a United States Senator?—A. It was.

Q. You say, then, that Playter told you he thought he could get it, and he and Brown started off. What Brown was that?—A. Mr. Ed. Brown, then connected with the Joplin road.

Q. Give his full name.—A. I am not certain of his initials; Ed. H., or Ed. R. Brown; I am not certain. I do not know his middle letter. It is Mr. Ed. Brown of the Joplin road.

Q. Was it the same Brown whose name you afterwards saw on the Hossack paper?—A. Yes, sir; E. H. Brown I think the initials are.

Q. You say that, in the conversation you had with Holden, Holden said Hossack paid Playter a debt, and Playter paid him a debt?—A. No; I think Mr. Holden said, "See how many channels a little bit of money will go through."

Q. Well, go on.—A. Just there he said Mr. Hossack paid Playter. No; I will not be positive that he said "Hossack."

Q. I want to know what was meant by "me" there.—A. H. M. Holden was meant by that—Mr. Holden of Kansas City.

Q. You have testified that in your conversation with Mr. Playter you said to him, after he had told you Hossack had the enemy's money in his pocket, "If that is a fact, can't you get him to put it down in writing?" State why you asked that question, and for what purpose you wanted it in writing.—A. Well, sir, my principal object in wanting it in writing was to try to defeat Mr. Ingalls by showing it to the members and senators in the legislature. I ostensibly made another excuse to him.

Q. You also said that if Mr. Ingalls was elected and you had a piece of paper of that kind, it would be worth considerable to you. When you were reading your testimony you undertook to make a correction, and I now want to know what you did say in that connection.—A. It says here, "If Mr. Ingalls is elected, a piece of paper of that kind would be worth considerable money."

Q. Is that what you said?—A. I suppose something similar to that.

I only refresh my memory somewhat with this, simply because I dismissed the most of it from my mind when it was over.

Q. You say you were not acquainted with Mr. Hossack personally. Had you seen him at any time before you spoke about this paper?—A. No, sir; I never had.

Re-examined by Mr. WILLIAMS :

Q. What was your financial condition at the time of this Senatorial election—good or bad?—A. In what respect?

Q. Were you in embarrassed circumstances?—A. I was not worried about any debts at all.

Q. Were you laboring under debts?—A. I have some debts.

Q. Had you at that time?—A. I had then and have now also.

Q. Were you able to pay them?—A. Well, sir, I do not know as I was. I had them almost all arranged, I believe—all regulated.

Q. Were you able to pay them at that time?—A. I think I had them arranged so that I could meet them.

Q. Have you met them?—A. Not all of them.

Q. Have you met fifty per cent. of them?—A. Well, sir, I could not tell you unless I was to go home and figure up.

Q. And yet you would have given \$500 to beat Senator Ingalls?—A. Yes, sir.

Q. You had it, of course?—A. Well, I probably could have got it.

Q. What was your object in desiring to beat Senator Ingalls?—A. Because I thought he had mistreated me.

Q. Personally?—A. Personally.

Q. Senator Bradbury was the senator from the same county in which Major Simpson lived, I believe?—A. Yes, sir.

Q. And was elected for Mr. Ingalls, as you understood?—A. He was going to vote for Mr. Simpson first and afterwards for Mr. Ingalls.

Q. That is what I mean.—A. If there was no chance for Major Simpson, he was going to vote for Mr. Ingalls.

Q. And you desired to use this statement to change his vote when the contest became narrowed down between Mr. Ingalls and somebody else, Mr. Simpson being out of the way?—A. Yes, sir.

Q. You stated to Mr. Playter, as your reason for wanting this paper, that you could compel the giving of some contracts, and the reason you had in your mind was your desire to beat Mr. Ingalls?—A. Yes, sir; Mr. Playter asked me what he should say to Mr. Hossack.

Q. I will get at that in a few minutes. I am now getting at the real motive, the concealed motive. Your motive was a desire to beat Mr. Ingalls by influencing Senator Bradbury?—A. And others.

Q. And the motive you gave was that you might make something out of it?—A. Yes, sir.

Q. Which latter motive you did not entertain?—A. I do not think I did.

Q. Which of these motives was the most prominent in your mind, the desire to beat Mr. Ingalls by influencing Bradbury and others, or the desire to get slush money, or blackmail, or whatever it was, in the way of contracts?—A. My desire was to beat Mr. Ingalls above all other desires I had.

Q. This conversation was on Thursday, the 30th of January?—A. We had the conversation Wednesday and Thursday.

Q. But this conversation to which you refer here was on the 30th? On the morning of the 31st, Friday, you stated that Mr. Playter told you he had the paper?—A. Yes, sir.

Q. How soon after that did you tell Senator Bradbury of the existence of that paper?—A. I could not tell how soon. I told him pretty soon afterwards.

Q. Before the election?—A. Yes, sir.

Q. You told him the contents of it before the two houses went into the election?—A. I could not tell him the contents, but I told him of the existence of the paper. I did not know the contents at that time.

Q. You told him of the fact?—A. I told him of the paper.

Q. Go on and give a list of the other members of the legislature to whom you stated this fact?—A. I do not remember who all they were, because I did not know it until very late in the morning.

Q. Give the names of those to whom you stated it?—A. I cannot name those to whom I did state it. I do not remember.

Q. Give the names of a few of them. You knew most of the members of the legislature?—A. Yes; a good many. I do not remember all of them that I did know.

Q. Did you know Colonel Alexander, of this city?—A. I did not.

Q. Did you know Colonel Metsker?—A. I had an introduction; I was not personally acquainted with him. I know him when I see him.

Q. Look around this court-room; there are a good many of the tainted as well as the untainted here, and point out some of the members of the legislature to whom you communicated that fact.—A. I do not see a member here to whom I mentioned it. I do not know but what I did to Mr. Hall. I would not swear that I did.

Q. Is it your impression that you did?—A. My impression is I did.

Q. Where do you think you were when you told it to Mr. Hall?—A. I cannot say. I would not say to whom I stated it. I told Mr. Bradbury, however, but whom else I could not swear to. I cannot remember whom else.

Q. Are you positive that you told John Hall?—A. I said I thought I did. I would not swear that I did.

Q. Did you tell it to Majors?—A. I cannot say that I did.

Q. You know Majors?—A. I do.

Q. And knew that he was a member of the legislature?—A. I knew that fact.

Q. Did you know a majority of the members of the legislature?—A. I did not.

Q. Where were your headquarters, where did you stop when here?—A. I stopped at the Tefft House.

Q. Was not that the headquarters of all legislative caucuses, meetings, &c.?—A. No; I think it was not the headquarters of all. There were meetings at other places.

Q. Was it not a general loafing place for the city of Topeka during the Senatorial election?—A. It always is, I believe.

Q. And was it not on this occasion so that a man could not go there on any evening without seeing the house full of members of the legislature during that contest?—A. I do not think he could. Still I did not know all of them.

Q. Was it not full there all the time?—A. Every evening the bar-room was full.

Q. When did you obtain a copy of this document?—A. It was at Girard; I cannot tell how many days after that. I went down to Girard to sell a gentleman from Wisconsin a farm that I had there. I took him out and showed it to him.

Q. I do not care about the circumstances of that trip. I want to know when it was?—A. After the Senatorial election; some time after.

Q. When you stated to Frank that you were beaten, and if you had had Hossack's vote Mr. Horton would have been elected?—A. Yes, sir.

Q. If you had no thought of blackmail and desired solely to defeat Mr. Ingalls, why did you wish a copy of that paper after the election was over?—A. Simply because I wanted to see it; but I did not think, when I asked him to let me see it about taking a copy, and then I asked him to let me take a copy, which copy I have lost since.

Q. Why did you take it?—A. I had no special object; it was there, and I thought I would just copy it.

Q. You had no desire to make any use of it thereafter?—A. I never thought of it.

Q. Have you never incidentally thrown it in Senator Ingalls's way, or anything of that kind?—A. I never have, either indirectly or directly.

Q. Do you know about Senator Bradbury's connection with any of the caucuses which were held immediately preceding the election?—A. Senator Bradbury, I believe, was in the caucus the night before the election.

Q. In what caucus?—A. The anti-Ingalls caucus at the State house.

Q. Had you then told him of the contents of this paper, or was it afterwards?—A. I cannot say just the time when I told him about that paper. I talked to Mr. Bradbury, and talked to him a great many times; talked to him about Mr. Ingalls signing the greenback document that he did, and other things.

Q. Those are political matters. Had Senator Bradbury been in any other caucuses that you know of?—A. Not that I know of.

Q. You do not know whether it was before or after this caucus that you told him of the paper?—A. I would not swear to it.

Q. When was this caucus held?—A. It was held between ten and two o'clock on Thursday night preceding the final vote for United States Senator.

Q. Then you could not have told him at that time of the existence of a paper you never heard of until Friday, the 31st, could you?—A. I could not have told him about the paper, but I could have told him what Mr. Playter had told me.

Q. I have been asking you about the paper. Did you tell him of the existence of the paper before or after he went into the anti-Ingalls caucus?—A. I could not tell him about the paper, but I told him about what Mr. Playter had told me about Mr. Hossack.

Q. Did you not tell him of the existence of the paper before he went into the anti-Ingalls caucus?—A. No, sir; because I did not know of it then.

Q. Then you did not tell him until after the caucus?—A. I told him after the caucus. I told him what Mr. Playter had told me about Mr. Hossack.

Q. But I am asking about the written statement which you heard of for the first time on the morning of Friday, the 31st. You did not tell Mr. Bradbury of that until the morning after Mr. Bradbury had been participating in the anti-Ingalls caucus?—A. I did not tell him of the paper; I told him what Mr. Playter had told me about Mr. Hossack.

Q. I am asking you about the paper simply. You knew the names of the newspapers that were published in Topeka during the contest?—A. I knew of only two, the Commonwealth and the Blade.

Q. Do you recollect which side the Blade took in the contest?—A. I think the Blade was against Mr. Ingalls.

Q. You knew there was an anti-Ingalls paper here?—A. Yes; I supposed the Blade was anti-Ingalls.

Q. Did you not know there was a paper here which was denouncing Ingalls every day ?—A. Yes, sir, I read it ; that is all I know about it.

Q. Why did you not make public this discovery if your sole motive was to defeat Mr. Ingalls ?—A. Simply because Mr. Playter would not let me use it ; that is the first.

Q. Did he prohibit your using it at all ?—A. No ; he asked me not to use it, and I had no paper to show. I had nothing but Mr. Playter's and Mr. Brown's word for what Mr. Hossack had told them until the morning of the 31st.

By Senator CAMERON :

Q. Have you personal knowledge of the payment by Mr. Ingalls or by any of his authorized agents of money or any valuable thing to any member of the Kansas legislature to influence his vote in favor of Mr. Ingalls ?—A. I have not, personally.

Q. Have you personal knowledge of the offer by Mr. Ingalls, or by any of his authorized agents, to pay money or anything else to influence the votes of any members ?—A. No, sir ; excepting what Mr. Playter told me. That is hearsay, I suppose. I have no personal knowledge.

Q. State as nearly as you can the number of the members of the legislature to whom you communicated the fact of the existence of that paper before the election of Senator ?—A. I cannot well do that, simply because I did not charge my mind. I was talking all the time more or less with parties, but to how many I cannot say.

Q. I do not ask you to be accurate ?—A. I might probably have spoken to half a dozen or a dozen. I think I spoke to all the members from our county.

By Mr. WILLIAMS :

Q. Who were the members from your county ?—A. One was Mr. Henderson Rice ; another, John W. Games. I did not say anything to Mr. Games, because Mr. Games and I were not friendly, and the other was Mr. Martin, who was a Democrat, and said he would not vote for any but a Democrat. If I spoke to any, it was to Mr. Rice.

By Mr. WEBB :

Q. I want you to keep in your mind the distinction which exists between Mr. Playter's statement to you of Hossack's receipt of money and Mr. Hossack's written statement that he had received money ; and now I ask you when it was, what hour of the day it was, when you asked Mr. Playter to get Mr. Hossack to put in writing what he had said orally ?—A. If it is not blurred I can state it from my memorandum book. I do not know but that it is so blurred that I cannot say. [Examining a book.] It was in the evening, but the entry is blurred.

Q. I do not care about your memorandum book. You say it was in the evening ; the evening of what day ?—A. The evening of the Wednesday previous to the Friday when the final vote was taken. That was the night of the talk that I had with Mr. Playter about it.

Q. State when it was that you told Mr. Playter that you wanted him to get Mr. Hossack to put his statement in writing —A. That, I believe, was the Wednesday previous to the final vote on Friday. That is my recollection of it.

Q. Was it not on Thursday evening before the final vote was taken ?—A. I cannot say. We had a talk about Mr. Hossack and about his selling, but now to remember the dates of those two evenings I hardly can ; probably it was Thursday and probably it was Wednesday evening.

Q. When did you first know that Mr. Playter had in fact the written statement from Mr. Hossack?—A. That was Friday morning.

Q. Previous to that time had you told Mr. Bradbury and other members of the legislature what Plater had said to you concerning Hossack's receiving money?—A. Yes, sir, I had told several; I had told Mr. Simpson, too, I think.

Q. What time on Friday morning was it that Mr. Playter informed you that he had the paper from Hossack?—A. I do not know.

Q. Was it not the fact that he did not tell you he had the paper until after the joint convention?—A. No, sir; he told me before that he had the paper.

Q. What time did he tell you?—A. I can not say. It was some time in the morning, I know. I did not get up until nine o'clock and then I was busy in Mr. Horton's room for some little time. I happened to meet Mr. Playter, and asked: "Did you get this paper?" and he said "Yes." That was all there was to it, or something of that kind.

Q. Are you right in saying that after Mr. Playter had advised you that he had received the paper you then notified Senator Bradbury and others, or any one, that Mr. Playter had such a paper?—A. Well, sir, I think that I told Mr. Bradbury that Playter had that paper. I know I told him all about the matter of Mr. Hossack, and I think I told him after that of the paper.

Q. Did you not tell him all about it before that time?—A. Yes, sir; I think I mentioned it.

Q. Keeping in mind the distinction between the existence of the fact, if it was one, and the existence of the paper, after you knew that Mr. Playter had the paper, did you again go to Senator Bradbury or to any other member of the legislature and state that the paper was in existence?—A. I would not swear positively to that. I think I did, but I will not say positively that I did.

Q. Did you state the fact of the existence of that paper to any member of the legislature?—A. I say that I will not swear positively that I did so, because I cannot swear positively to that, for I did not charge my mind with it, and I do not know that I did so afterwards.

Q. Then when you say, as you did say, that you think you informed other members of the legislature besides Senator Bradbury, you may have had reference to the statement of the fact which you had learned from Playter before the paper was executed?—A. Yes, sir; before I knew that the paper was executed.

Q. Counsel asked you why it was that you wanted to defeat Mr. Ingalls?—A. I had two or three motives in view.

Q. You stated one motive, and now I will put the same question. Why was it that you wanted to defeat Mr. Ingalls's re election?—A. In the first place, I wanted somebody else in his place. There were others I liked better. I would rather see Ben Simpson there, or I would rather see A. H. Horton there.

Q. Was there any other reason?—A. I did not like Mr. Ingalls for one thing. I will say that.

Q. Have you stated the full reasons why you desired to have Senator Ingalls defeated?—A. I do not know of any other reason.

The committee took a recess until half-past 2 o'clock p. m., and reassembled at that hour.

The CHAIRMAN. I desire to make an inquiry of the counsel for memorialists. There are several specifications in the additional memorial presented to the Senate, as to which I understand there have no witnesses indicated as sustaining the allegations. We desire

know if the memorialists intend to summon witnesses to sustain those allegations?

Mr. WEBB. I cannot answer the question. Mr. Riggs, the only counsel who did have any charge of that matter so far as I know, was called away a few days ago, as the committee are already advised. I am told he has just returned to the city, but he has not got to the court-room yet. No doubt he will be here presently. For myself, I cannot answer the question.

Mr. RIGGS appeared.

The CHAIRMAN. I will now say to counsel for the memorialists that there are several specifications contained in the second memorial in regard to which no witnesses have been subpoenaed. Counsel for the memorialists inform us that they will give us to-morrow morning definite answers as to what specifications they will submit testimony upon, and then the counsel on the other side will be able to see what witnesses they can dispense with the examination of, so that we can discharge those who are not really wanted as witnesses in the case. We have a pretty heavy subpoena docket now, and we are anxious, if there are any witnesses who can be dispensed with, that they shall be discharged.

Mr. RIGGS. As to those specifications; we shall answer definitely to-morrow morning.

The CHAIRMAN. Are there any other witnesses who can be examined this afternoon?

Mr. WEBB. Witnesses we understand will be here to-morrow morning, so that we can proceed with the examination without any further interruption.

The CHAIRMAN. Counsel on both sides must understand that to-morrow the committee will proceed regularly during the usual hours to examine every witness that has been subpoenaed; and when his name is called, if the counsel are not prepared to examine him, we shall order his discharge. We think we have extended indulgence enough, and we hope counsel on both sides will govern themselves accordingly.

Mr. WEBB. We are satisfied with that and shall be satisfied to proceed under it to-morrow morning, except that if we have more than one witness present we shall wish to proceed in our own order.

The CHAIRMAN. Of course, either side may call the witnesses in attendance in any order counsel see proper; but we want hereafter to employ our time in examining witnesses. Meanwhile I suggest to counsel on both sides that if there are any witnesses whom they can examine after understanding what each side intends to do, they had better examine them.

Mr. FENLON. We are in ignorance of what the gentlemen on the other side propose to do, and in duty to the respondent in this case his counsel must prepare to anticipate what may be done, and therefore we desire to ask the committee to issue subpoenas for the witnesses named in the list which I now submit.

Mr. EVEREST. I will say that we have not filed this præcipe heretofore as to specification ten of the first memorial which relates to the grand jury matter, thinking perhaps there would be no evidence introduced in relation to it. As we now understand the other side mean to proceed with that matter, we now ask that subpoenas be issued for witnesses in regard to it.

The CHAIRMAN. Many subpoenas have already been issued and a few of the witnesses have been examined and discharged. The others have been excused from attendance or have not yet reported. I suppose we have at least seventy-five subpoenas for witnesses out. It is not to be

expected that this committee will issue any more subpoenas for witnesses until we reduce the list of those already summoned. So far as I am concerned as a member of the committee, I say to counsel that unless it is shown that a particular witness on a particular point is needed I shall not be in favor of issuing any additional subpoenas for either side until the subpoena docket is very much reduced.

Mr. FENLON. Of course the time of this application is not material. We make it now to show that we are diligent. It is a matter of indifference to us whether the subpoenas be issued now or to-morrow.

The CHAIRMAN. I think I shall submit to the committee in its private consultations another proposition which I may as well announce now. We have a certain amount of money which we feel at liberty to expend in this investigation. I think it would be just and fair to both sides of the question that there be an equal distribution of the fund at our command. From present indications we shall not have fund enough to summon and examine all the witnesses and bear the expenses of the investigation, and therefore we propose to exhaust the fund about as equitably as we can between the memorialists and the respondent.

Mr. EVEREST. We do not wish any of the fund on our part.

The CHAIRMAN. Of course I speak of nothing except the expense of summoning the witnesses. The rule that was adopted in another investigation was to summon as many witnesses for one party as the other. I do not know that we can apply that rule here.

Mr. FENLON. We ask that our præcipe be filed with the clerk.

The CHAIRMAN. Certainly.

Mr. RIGGS. I desire to say, so far as the memorialists are concerned, that we have asked for all the subpoenas we expect to call for, except a few subpoenas *duces tecum*, which we shall ask for if we get the other proof we desire.

Senator CAMERON. Have you had subpoenas issued for the witnesses by whom you expect to prove the allegations of the memorials?

Mr. RIGGS. Yes, sir.

Senator CAMERON. Are any of those witnesses present?

Mr. RIGGS. They will be here to-morrow.

Senator CAMERON. My information may not be reliable, but I understand that quite a number of them are in the city.

Mr. RIGGS. I have heard of but two, but I am not aware that they have reported to the sergeant-at-arms.

Senator CAMERON. If there are two, why not examine them this afternoon?

Mr. RIGGS. I am perfectly willing. The only one I saw was instructed by me to report to the sergeant-at-arms as soon as he was through his dinner.

Senator CAMERON. Is there not a person sitting at the table now who is a member of the present legislature?

Mr. RIGGS. If you refer to Mr. Hall, I see him for the first time.

Mr. WEBB. Mr. Hall has been here all the time, and he is a gentleman whom we cannot introduce as a witness unless Mr. Hossack is introduced.

Mr. RIGGS. I see that one of our witnesses has just come in.

The CHAIRMAN. Let him be examined.

JEFFREY B. CLOGSTON, a witness called by the memorialists, sworn and examined.

By Mr. RIGGS:

Question. Where do you reside?—Answer. I reside in Eureka, Greenwood County, in this State.

Q. What is your business?—A. An attorney-at-law.

Q. State whether or not you are a member of the present house of representatives of the legislature of the State of Kansas.—A. I am.

Q. From what district?—A. The 85th district.

Q. Are you personally acquainted with Senator Ingalls?—A. I cannot say I am personally acquainted with him; I have met him.

Q. Did you meet him during the late Senatorial campaign?—A. I did.

Q. State under what circumstances you met Senator Ingalls?—A. I met him twice during the election canvass at his rooms in the Tefft House.

Q. What was the number of that room, do you know?—A. I do not know. They were the rooms immediately above the bar-room.

Q. Above the office, you mean?—A. Above the office.

Q. On the second floor?—A. On the second floor.

Q. At whose request was that meeting?—A. I do not remember at whose request the first meeting was. The second time I went there at his request, or at least so I was informed by the party who came after me.

Q. Who was that party?—A. I do not think I can remember. It was some party who lives in Topeka, but I do not remember who it was. There were a number of persons at the time, and I do not remember which of the men I went up-stairs with.

Q. If you can, state who was there at the time the request was made of you to go and see Mr. Ingalls?—A. At the time of the request I was down on the street, and some one with whom I was acquainted, but I do not remember now who it was, came to me.

Q. When was your first visit to Mr. Ingalls's room? How long prior to the final vote?—A. Some days, I do not remember just how many—possibly two or three days before the final vote. It was during that week I first met Mr. Ingalls.

Q. Was this first visit of your own motion or by the request of somebody else?—A. It was by the request of some other party.

Q. You do not remember at whose request?—A. No, I am not positive. My impression is it was by Mr. Wilson's request.

Q. What Mr. Wilson?—A. The gentleman sitting here.

Q. Familiarly known as Joe Wilson?—A. Yes, sir; but I am not positive. That, however, is my impression now.

Q. That interview was in Senator Ingalls's room?—A. In the Senator's room.

Q. State what, if anything, was said between you at that time in relation to the Senatorial election and your vote, at the first interview?—A. The conversation was of a general character somewhat. He asked me who represented my county excepting myself, and I told him Mr. Raybell represented the other district embracing a part of Lyon County. He asked what instructions were, if I had any. I told him I came there unpledged. The conversation was general. He requested me to vote for him if I could, or to think of the matter, and he would see me again. We had some conversation of ten minutes possibly, and I went out. Other gentlemen came in the room as I went out.

Q. That was the substance of the first conversation?—A. Yes, sir.

Q. All that you can remember?—A. That was the substance of it. It was general.

Q. How long after the first conversation was the second?—A. The second conversation was the day before the final vote.

Q. That would be on Thursday?—A. I think it was. It was the day before the final vote.

Q. At whose request was that interview?—A. The party who came for me said Mr. Ingalls wanted to see me.

Q. Do you remember who that party was?—A. I do not remember the party. It was some person who lives here in Topeka, but the man's name I do not remember.

Q. Did you go in accordance with that request to Senator Ingalls's room?—A. I did.

Q. Who was in the room when went there?—A. There were a large number of persons in the first room, and I believe the gentleman who went upstairs with me spoke to Mr. Wilson and went out again; he excused himself and said that when Mr. Ingalls was at leisure he would want to see me, and asked me to sit down. I sat down in the room five or ten minutes until Mr. Ingalls came out and spoke to Mr. Wilson and then came to me and said he wanted to see me, and asked me into the private room—the room east from the room we were in.

Q. Rooms connecting by a communicating door?—A. Yes, sir.

Q. While you were in this outer room was Wilson in the room?—A. Yes; he was in there. I do not know whether he was there all the time. He was there when I went in, and I think he was there when Mr. Ingalls came out of the room and spoke to him, and I went into the room with Senator Ingalls.

Q. When you went into Mr. Ingalls's private room whom did you find there?—A. I think some gentleman was in the room. I do not know who he was, but he immediately went out.

Q. And you were there then with the Senator alone?—A. Alone.

Q. State what conversation passed between you there at that time in relation to your vote upon the Senatorial question.—A. He asked me whom I had been voting for, and I told him that I had voted, I believe, with one exception, for Mr. Anthony. I gave a complimentary vote to Judge Campbell, and told him I had voted for Mr. Anthony the rest of the time. He wanted to know if it was possible, or if I could by any means be induced to vote for him, that he would be elected, and that he would like to have my support. He said that he had seen my colleague, Mr. Raybell, and that he was satisfied that Mr. Raybell would vote for him if I would.

Q. What did you say in response to that?—A. We had a general conversation for some length of time. He insisted upon my voting for him, and asked me my reasons for not voting for him. I told him that I came there unpledged, and the reason I could not vote for him was, the charges against him were of such a character that I could not vote for him unless they should be better explained than they had been.

Q. To what charges did you refer?—A. To the charges made by the Kansas City Times. I asked him if he had written those letters that were there copied, and he said they were his letters.

Q. You refer to the Gay letters published in the Kansas City Times?—A. Yes, sir. He went on to make some explanations.

Q. State what the explanations were.—A. I do not know that I could state all of them. They were of a nature that I do not now remember his entire statement. He said the charges against him were false, and they were made by men for the purpose of defeating him, and there was no truth in them. He said that his explanations he had made publicly, and asked me if I heard the explanations. I said I had. He wanted to know if I was not satisfied with them, and I told I was not and could not vote for him at all.

Q. What did he say in response to your question as to whether or not he had written those letters?—A. He said they were his letters, but they referred to business matters. They were his letters, though, and he made an explanation that I cannot give in full, stating the object of writing the letters, and that they were of a business nature, and referred to a business transaction independent of anything that was connected with this election here.

Q. What further passed between you touching your vote?—A. He asked me what was the reason I could not support him, and wanted to know whom I could support if I did not support Simpson. I said there was one reason I could not support Mr. Simpson, that we were friendly in our part of the State to Mr. Plumb, and we did not think it probable we could have two Senators from the southern part of the State, that voting for Mr. Anthony might give Mr. Plumb a better chance. That was one reason I did not vote for Mr. Simpson. He said that was true, but it would be better to vote for him than for Mr. Anthony, that Mr. Plumb and himself were friends, and their relations were such that it would be much better for Mr. Plumb, if I was working in Mr. Plumb's interest, to vote for him than to vote for Mr. Anthony.

Q. What further was said?—A. I told him that I should vote for Mr. Anthony, and could not vote for him.

Q. What, if anything, was said about Mr. Plumb desiring his friends to vote for Senator Ingalls?—A. He asked me if I was well acquainted with Mr. Plumb. I told him I had served in his regiment, and knew him well. He asked "If Mr. Plumb should request you to vote for me, would you vote for me?" He said, "If you will give me your word of honor as a gentleman that you will support me, I will show a written request from Mr. Plumb to his friends, and you amongst the number, requesting you to vote for me." I said, "Mr. Ingalls, I would like to see the request of Mr. Plumb." He said, "If you will give me your word, I will show it to you." He got up from his chair and walked a step or two north in the room, turned and came back, and said, "Will you give me your word?" I said, "Let me see Mr. Plumb's statement." Said he, "Do you know Mr. Plumb's handwriting?" I said, "Yes; I think I do." Said he, "I will give you the statement in Plumb's handwriting requesting you, amongst a number of other gentlemen, to vote for me; if you will agree to vote for me, I will show you Mr. Plumb's statement to that effect." I said, "I would not do it." I said, "Show it to me." He said, "Well, what do you want to see it for if you will not vote for me?" Said I, "I want it for this reason, if Mr. Plumb has made such a request of me through you under such circumstances, when Mr. Plumb's time is out I shall be glad to work against Mr. Plumb's re-election."

Q. What further was said?—A. He got very impatient then, and said to me, "Are you going to let Mr. Martindale control your county?"

Q. Who is Mr. Martindale?—A. A citizen of our county who has represented our county in the house and in the senate a number of times.

Q. What is his full name?—A. William Martindale. I told him Mr. Martindale had nothing to do with my vote; that I came here without his having any influence over my vote more than any other citizen of my county; that I should vote for Mr. Anthony, not because Mr. Martindale wanted me to vote for him, but simply because I thought he was the best man I could vote for; that I should vote for him for that reason, and not because Mr. Martindale wanted him. He said, "Your people in that county are off with Mr. Plumb; there is a bad feeling existing between your people and Mr. Plumb; if you will support me, it will be all right with Mr. Plumb, and it will heal that old trouble."

Q. State what, if anything, was said about appointments or patronage.—A. He said it would leave me in better shape. He said, "It will leave you in a shape that you can control your county. Mr. Martindale is not good friends with Mr. Plumb, and if you will support me, that will make the thing all right between Plumb and you, and between me and you, and you can control the appointments of your county." He asked me what there was down there, and asked me what the post-office at our place would be worth, at Eureka, the county-seat. I told him I did not know, but I presumed a thousand dollars. He wanted to know if that would be an inducement to me to vote for him. I told him that it would not; that I did not want the office. Said he, "Have you not got some friend you could give it to?" Said I, "No; the present occupant of the office is a friend of mine, and if I had the changing of it, I would not change it; and as to the appointments in my county, if I had the appointments to make, I could not make them better than they are, and if I had the appointments, I would not interfere with any of them."

Q. Was any mention made of Mr. Hood?—A. He asked me if there was anything at all he could do for me, or any inducement he could offer to make me vote for him. I told him there was not; I knew of nothing that could induce me to vote for him. "Do you know Mr. Hood?" he said. I said, "Yes." He said, "Well, you see him?" I said, "I don't know whether I will or not." He said, "Will you not see him?" I said, "If Mr. Hood wanted to see me, he could see me at any time." Said he, "I wish you would see Hood, and anything Hood will do for you will be all right."

Q. Who is Mr. Hood?—A. Mr. Hood is an officer of one of the banks of Emporia, a partner in the bank of which Mr. Plumb is president, I believe.

Q. Did you after that see Mr. Hood? And, if so, state under what circumstances.—A. I saw Mr. Hood, but did not have any conversation with him at all.

Q. State what, if anything, transpired in relation to getting you and Mr. Hood together?—A. The morning of the last ballot a gentleman came to me on the street—I was walking north from the Tefft House, a short distance from the Tefft House—and said, "I want to see you," and then he said, "Have you seen Hood?" I told him no, I had not seen Hood. "Well," said he, "you had a conversation with Ingalls yesterday, had you not?" I said "Yes." "Well," said he, "I want you to see Hood; will you go and see him?" I said, "No; if Hood wants to see me he can come and see me." Said he, "I want to have a talk with you"; and we walked down the street. There was a very cold northeast wind, and we stepped into a stairway and went up a step or two on the stairs. The man said, "Will you not vote for Ingalls?" I said, "No; I won't vote for Ingalls." Said he, "I will give you \$500 if you will vote for Mr. Ingalls to-day, I will give you a check on the bank." I told him no, I would not take a check on the bank; he need not think I was fool enough to take a check of that kind. Said he, "If you would rather have the money I will go to the bank," waving his hand indicating the bank, "and get you the money." I told him no, I would not take his money. He said then, "Will you not go with me to Mr. Hood, and take Mr. Hood's word for it? If you vote for Mr. Ingalls you will get \$500, and if you know Mr. Hood you will take Mr. Hood's word for the money." I told him no; I would not vote for Mr. Ingalls for him or anybody else. Said I, "It's no use; I would not vote for Mr. Ingalls if I had the money." He said, "O, hell"; and went off.

Q. Who was this gentleman?—A. I do not know.

Q. Have you seen him since?—A. I saw him once pass the Tefft House, and I made inquiries to learn who he was, and got the clerk at the Tefft House to go out on the street with me; he said, "I don't know him, but he lives at Osage City."

Q. Give a description of the man as well as you can?—A. He is a man somewhat younger than I am, with, I think, no whiskers on his face excepting a mustache, a pretty heavy-shouldered man.

Q. What was the color of his hair?—A. I could not give the color of his hair. That's something I can hardly tell on anybody without noticing it particularly.

Q. What was his complexion?—A. I remember that he was a full-faced man, but his complexion I could not give.

Q. You say the information you got was that he lived at Osage City?—A. That is what the clerk at the hotel told me. I called him out to know who the gentleman was. He told me he did not know his name, but he lived at Osage City.

Q. Do you know the name of the clerk of the hotel of whom you inquired?—A. No; I do not remember which one of the clerks it was.

Q. It was one of the clerks at the Tefft House?—A. Yes, sir.

Q. Do you know Mr. Farnham, the son-in-law of McMeekin, proprietor of the hotel, who was one of the clerks there?—A. I do not know him by that description. I know the clerks there by sight, but do not know the name of either of them.

Q. Do you know J. S. Danford of Osage City by sight?—A. I do not.

Q. Do you know J. V. Admire?—A. No, sir; I do not.

Q. Do you know Mr. Foulkes of Osage City?—A. No, sir.

Q. Do you know any of them by sight?—A. I do not know them by name. I might know them if I saw them.

Cross-examined by Mr. EVEREST:

Q. I understood you to say that you did not know the gentleman who proposed to give you a check for \$500 on a bank?—A. That is what I stated.

Q. You did not name the bank the check was to be given on?—A. I said I did not know the bank. He pointed down the street. I do not know what bank he referred to.

Q. Where was this conversation?—A. In the Tefft Block, this side, some doors from the corner.

Q. Who was present on that occasion?—A. Nobody with us.

Q. What time of the day was that?—A. It was before dinner; I do not know just the time. I came down town about eight o'clock, I think, from where I was boarding, and it was between that and eleven o'clock some time.

Q. You never had seen this unknown person before?—A. Not that I remember.

Q. Then what you know about any money connected with the Senatorial canvass is the fact that an unknown person, with whom you never had had any conversation before, offered you a check on a bank for \$500?—A. Yes, sir.

Q. He did not know you?—A. I do not know whether he did or not. He called me by name.

Q. Did I understand you to state that Mr. Ingalls had ever promised you any office for your vote, or simply that your recommendations for yourself or friends would be treated with respect?—A. He said I could control the appointments of my county, and asked me what the post-office at our place was worth, if I knew, and if I wanted the place.

Q. You heard no offer of any money for your vote from Senator Ingalls or any one else that you personally knew was sent by him?—A. No, sir; I had not. Mr. Ingalls did not offer me any money.

Q. You used no diligence and made no inquiries to ascertain the name of this unknown person, except by asking the hotel clerk?—A. That was about the only means of knowing I had. I saw him pass the street.

Q. How far from the hotel did this conversation occur?—A. The conversation occurred in the block, in one of the stairways this side, near this corner.

Q. Was it in the Tefft House stairway?—A. No; in the block.

Q. How far from the entrance to the hotel?—A. A few stairways this way.

Q. Did he come down the stairs to meet you, or where did he come from?—A. I met him on the street, at the edge of the crowd there by the Tefft House.

Q. He met you on the street among the crowd, east of the Tefft House?—A. North of the Tefft House, on the sidewalk.

Q. How many doors away?—A. It was right there by the crowd; I do not know just how far it was—right at the Tefft House or just this side.

Q. You never had seen him before?—A. Not that I know of.

Q. Then inform us why you went to the hotel clerk to ascertain his name?—A. I wanted to know who the man was.

Q. Why did you go to the hotel clerk to ascertain it if you never had seen him before and had met him about the center of the block near the Tefft House?—A. I do not know any better reason except that the Tefft House was the headquarters for nearly everybody and they knew nearly everybody there.

Q. And you supposed the clerk would know that man, from the description you had given, among the hundreds or thousands who were present around the Tefft House, did you?—A. I thought he might know him.

Q. Did he have any checks to hand you?—A. No, sir; he did not have any checks; at least I did not see any.

Q. You did not know whether his check would be honored or not?—A. I did not.

Q. Do you recollect the clothes he had on—how he was dressed?—A. No. If I would give a description of what I think of the man it might not be very accurate. My idea is that he had on gray mixed clothes of a dark color, all of one kind; that is, a dark gray. That is my impression of the man as I saw him.

Q. The conversation you had with Mr. Ingalls was simply his solicitation for you to support him?—A. Yes, sir; he wanted me to support him.

Q. And he promised to remember you in the appointments down there if you did?—A. He simply said I could control the appointments in my county.

Q. Was that conversation had between you and Senator Ingalls alone?—A. Yes, sir.

Q. And that is all you know about the use of money or other influence connected with the election of Senator Ingalls?—A. All I know from Mr. Ingalls.

Q. It is all you personally know of it?—A. It is all personally I know from Mr. Ingalls. One remark I would make: During the time I was in the room some man came in, stepped to Mr. Ingalls, and asked him a question, whispered to him, and went immediately out while I was in

the room. That was the only other person there in the room during the time.

Q. Do you know who that was?—A. No, sir. It was a young, boyish-looking fellow—a young man.

Q. How long was this unknown man with you?—A. But a very few minutes. He walked down the street, and said he wanted to talk with me.

Q. Do you know whether he was an acquaintance of Mr. Ingalls or not?—A. I do not.

Q. You had not seen him in or about Mr. Ingalls' room, or conversing with him about there?—A. I had seen a great many men in the Tefft House; I do not know whether he was amongst the number or not.

Q. You met a great many men there who were not friends of Mr. Ingalls?—A. I presume so.

Q. You were there a guest of that hotel?—A. I was there, but I was not a guest of the hotel.

Q. The only information you sought in regard to this gentleman was going to the clerk of a hotel where you did not stop and asking him what man it was you had just met on the street?—A. No, sir; I pointed the man out to the hotel clerk, and asked him if he knew that man.

Q. What is the hotel clerk's name?—A. I know his face, but I do not know his name.

Q. You do not know whether this unknown man was a friend of Mr. Ingalls or not?—A. I do not.

Q. This unknown person had no beard except a slight moustache?—A. I said he had a moustache; I did not describe it. Whether he had any other whiskers I do not recollect.

Q. What color was it, gray, black, or white?—A. I could not tell you. I do not think it was black, but I could not give the shade of color.

Q. Was it gray?—A. He was a youngish man. It was not gray.

Q. For whom did you vote during the time you were casting your ballots for United States Senator?—A. I believe I voted the first time for Judge Campbell, and afterwards for Mr. Anthony, until the last ballot, when I voted for Mr. Horton.

Q. Did you, or not, cast a vote for Senator Ingalls at any time?—A. I did not.

Q. Then you were not corrupted, were you?—A. No, sir.

Q. Whom did you vote for the last time?—A. I voted for Judge Horton.

THOMAS J. RAYBELL, a witness called by the memorialists, sworn and examined.

By Mr. WEBB:

Question. I believe your residence is in Greenwood County, in this State?—Answer. Yes, sir.

Q. What is your occupation or profession?—A. I am a physician.

Q. A practicing physician?—A. Yes, sir.

Q. Were you a member of the lower house of the Kansas legislature at its last session?—A. Yes, sir.

Q. What district did you represent?—A. The eighty-fourth district.

Q. State whether or not you were elected as a Republican.—A. I was.

Q. For whom did you vote for United States Senator on the first vote that was taken in the house of representatives?—A. George T. Anthony.

Q. For whom did you vote on the several ballots that were taken in the joint convention subsequently ?—A. I voted for Anthony excepting on the final ballot.

Q. For whom did you vote on that ballot ?—A. Chief Justice Horton.

Q. Are you personally acquainted with Senator Ingalls ? Do you know him when you see him ?—A. Yes, sir ; I think so.

Q. Did you see Mr. Ingalls at any time during the senatorial contest and before the final vote was taken ?—A. I did.

Q. Where did you see him ?—A. In Mr. Ingalls's room.

Q. In the Tefft House in this city ?—A. In the Tefft House in this city.

Q. What day was it ?—A. I saw him at two or three different times.

Q. On the same day or on different days ?—A. On different days. I do not know that I could state the days exactly.

Q. Do you remember with reference to the first vote that was taken, which was on Tuesday, when the houses voted separately, whether you saw him first before that vote or after it ?—A. I could not be positive about it.

Q. You say you saw him in his room. State how you happened to go to his room, whether of your own volition or upon invitation.—A. Mr. Ingalls sent some gentleman, or some gentleman came to me and told me Mr. Ingalls wished to see me.

Q. Do you know the name of that gentleman who came to you first and told you Senator Ingalls desired to see you ?—A. I do not know that I do.

Q. Did you go to Senator Ingalls's room upon such invitation ?—A. Yes, sir ; I did.

Q. Did you accompany the gentleman who made the request, or did you go alone and afterwards ?—A. I think he took me to his room, and then he stated to Mr. Ingalls that I was the gentleman he wanted to talk to, or something of that kind, and the gentleman went out. I do not think he gave me an introduction to Mr. Ingalls.

Q. But the person who told you that Senator Ingalls wished to see you accompanied you to the room ?—A. Yes, sir ; Senator Ingalls seemed at the time to be engaged, and I sat in the room a short time ; but afterwards he came to me and we had some conversation.

Q. Who came to you ?—A. Senator Ingalls.

Q. Was there any person present at that time besides Senator Ingalls and yourself ?—A. I think there were a number in the room.

Q. State what conversation took place between yourself and Senator Ingalls at that time ?—A. I do not know that I can remember the exact conversation that took place.

Q. I have reference only to such conversation, if any, as referred to the Senatorial election, and the vote you should give ?—A. Mr. Ingalls spoke to me and wanted to know if I could support him.

Q. What did you say ?—A. I think I told him my people were divided in regard to himself and Mr. Anthony, and that I did not know whom I would vote for at that time. I think it likely this was before the first ballot, I will not be positive, but I remember the conversation was something of that character.

Q. State whether that was the substance of all the conversation at that time, or whether there was more ; and, if more, state what it was.—A. I think that was about the substance of it.

Q. Did you see him on any other occasion subsequently to that ?—A. Yes, sir ; I saw him two or three times, perhaps twice after.

Q. Take one at a time. When was the next time ?—A. I could not

tell the date, but during the Senatorial campaign. I saw him twice, I think, after that.

Q. Did you go to his room at your own suggestion, or were you again invited?—A. I think I went at my own suggestion.

Q. The next time?—A. Yes, sir.

Q. Do you remember the conversation that took place between Senator Ingalls and yourself on that occasion?—A. We did not have much conversation. He asked me if I was going to support him, and I told him I thought I could not, or something to that amount.

Q. Was there any further or other conversation at that time?—A. I think not.

Q. Did you see him again before the final vote?—A. Well, I do not remember; but I think I saw him three times perhaps, during the campaign.

Q. You have only mentioned two occasions?—A. I know.

Q. Whether there were three or more, where was your last interview with him before the final vote?—A. They were all in Mr. Ingalls's room. In the east room. I believe he had three rooms.

Q. At the last interview that you had with Senator Ingalls, before the final vote for United States Senator, what took place between yourself and Senator Ingalls in respect to the vote you should give?—A. There is nothing I can remember, only that he asked me to support him.

Q. Did you attend what is known as the anti-Ingalls caucus?—A. I did not.

Q. Had you any conversation with any other person on the morning of the election, and before the final vote was taken, with respect to the vote you should give, or on the day before that?—A. The day before, yes, sir.

Q. With whom was such conversation?—A. I had conversation perhaps with a great many different gentlemen in regard to my vote.

Q. State whether you had any conversation with any person in which there was any reference made to money being used.—A. I had.

Q. When was such conversation had?—A. That was after the last Anthony caucus, which was, I think, the day before the combination.

Q. Where did that conversation take place?—A. That conversation took place on Kansas avenue, north of the Tefft House.

Q. This way from the Tefft House?—A. This way from the Tefft House.

Q. How far this side of the Tefft House?—A. Perhaps a couple of hundred yards, or perhaps not so far; I do not remember exactly.

Q. Between the Tefft House and the first street this side of the Tefft House?—A. It might have been, I could not say definitely. I was going to the Tefft House from the caucus.

Q. Who was that man?—A. I do not know his name.

Q. You say you were going to the Tefft House; then you were walking south?—A. Yes, sir.

Q. Did you meet him face to face or did he overtake you going in the same direction that you were walking?—A. I could not say.

Q. Who spoke first, you or he?—A. He spoke to me first.

Q. What did he say?—A. He asked me if I was going to the combination that night.

Q. Did he call you by name?—A. I think he did.

Q. What was the combination?—A. That was the anti-Ingalls caucus which was to be held that night.

Q. What did you say to him?—A. I told him I was not.

Q. What further was said ?—A. He asked me some questions about who I thought would be the nominee of the caucus, and I told him I did not know.

Q. What else was said ?—A. He said that he was an Ingalls man, and I think he said that if Mr. Ingalls was elected he would get a contract for furnishing beef for some Indian territory.

Q. He said he was an Ingalls man ?—A. Yes, sir.

Q. After making that statement and the one concerning his expectation of getting a beef contract, what then ?—A. He said that he was interested in Mr. Ingalls's election, I think.

Q. What else did he say ?—A. Well, he said that they were paying from two hundred and fifty to three hundred dollars, I believe.

Q. For what ?—A. For votes.

Q. For whom ?—A. For Mr. Ingalls.

Q. Did he say to whom they were paying from 250 to 300 dollars for votes for Mr. Ingalls ?—A. He did not.

Q. What further did he say to you ?—A. He stated that he did not have the money but he knew who did have the money.

Q. Did he state who had the money ; did he tell you ?—A. No, sir ; he did not.

Q. What further did he say ?—A. He said he knew who did have the money.

Q. What further ?—A. I asked him who had the money.

Q. What did he say in regard to that ?—A. He said it did not make any difference about the man's name, or something like that.

Q. What further took place at that time ?—A. There was no further conversation at that time. Some gentlemen came along and we separated there. He walked on and I went up to the Tefft House.

Q. Now, describe that man whose name you say you cannot give.—A. He was a heavy-set man ; round face, heavy chin-whiskers ; they were dark. He had blue eyes.

Q. Have you ever seen him since ?—A. Yes, sir, I have.

Q. Did you inquire his name ?—A. I did not.

Q. Did you at any time point him out to any one as the person with whom you had the conversation you have mentioned ?—A. I did not. If I did I do not remember it.

Q. Did you not point him out once to Mr. Clogston ?—A. I have no recollection of it.

Q. In that conversation, was anything said about your getting any money for your vote for Mr. Ingalls if you would so give it ?—A. No, sir, nothing whatever. He just stated that they were paying \$250, that some man was paying two hundred and fifty or three hundred dollars for votes for Ingalls. He said he did not have the money but he knew who did have it.

Q. Had you any conversation with any other person upon the night of that same day at the Tefft House ?—A. I had.

Q. Where did such conversation take place ?—A. It took place in the Tefft House, on the second floor, I think.

Q. In a room or in a hallway ?—A. In a room adjacent to a hall.

Q. Can you tell the number of the room ?—A. I cannot.

Q. Locate it, then. Were Mr. Ingalls's rooms on the same floor ?—A. No, sir ; Mr. Ingalls's rooms were on the floor below this floor.

Q. Then it was the third floor ?—A. Mr. Ingalls's rooms, I believe, were on the first floor.

Q. You mean the first floor above the office ?—A. Yes, sir.

Q. Calling the office-floor one floor, Mr. Ingalls's rooms were on the second floor, and this room was on the third floor?—A. Yes, sir.

Q. Then locate the room, calling it the third floor.—A. The room was in the northeast part of the Tefft House. There might have been a room or two or perhaps three west, and there might have been a room north of it, but it was in the northeast corner of the Tefft House.

Q. Were there windows in that room?—A. I presume there were, but I do not know whether there were or not.

Q. This was in the night?—A. This was in the night.

Q. What time of night?—A. I should think it was between eight and nine o'clock.

Q. Was it before or after the anti-Ingalls caucus was held?—A. It was during the time the anti-Ingalls caucus was going on.

Q. [Exhibiting the diagram already offered in evidence.] Look at this diagram which purports to be of the third floor of the Tefft House. This (indicating) is the stairway you go up; this (indicating) is the east; this (indicating) the north; and this (indicating) is the northeast corner. There (indicating) is the landing at the head of the stairs, which way did you go?—A. (Examining.) There was a long hall with rooms on each side of the hall and I turned to the right, to the east as I supposed.

Q. Can you fix the room?—A. No, I cannot do it.

Q. How came you to go to that room?—A. I was standing by the stove in the office. A gentleman came up and took hold of my shoulder.

Q. If he said anything, state what he said.—A. He did not say anything to me at all; he just simply smiled and made a motion for me to follow him.

Q. Did you follow him?—A. I did.

Q. Where did he go?—A. He went up on to the third floor; that is, I presume it was the third floor; I will not be positive about that.

Q. Did you follow him?—A. I followed him.

Q. Where did he go?—A. He went into a room.

Q. And you followed him into the room?—A. Yes; I followed him into the room.

Q. Who was in that room when you went there, if anybody?—A. There was not anybody.

Q. Was there any light there?—A. No, sir; there was no light in the room. There was a light along the hall. There was a bracket every four or five rooms.

Q. What do you mean by a "bracket"?—A. A bracket, with a lamp in the bracket. The hall was lighted up, but the room was not.

Q. Did this man go into the room before you, or afterwards?—A. He opened the door himself.

Q. Go on and state what occurred.—A. He opened the door and went into the room. I followed him into the room.

Q. Then what?—A. He said he had a check for me. He shut the door.

Q. Go on.—A. He went into the room; he shut the door, and he stated that he had a check for me for \$250. I told him that I did not do business in that kind of way, or something to that amount. He said, "This is for electioneering and campaign purposes." I told him that was all right. Then he said, "Maybe you would sooner have the money." I told him "Certainly." Then he said, "Wait here a little bit, and I will go down." He went and was gone, perhaps, fifteen or twenty minutes. I opened the door after he left and let the light shine in the room, and looked un-

der the bed, and there was no other person in the room excepting myself. He came back and shut the door, and then he said, "Here is \$250 ; you can take my word for the amount." I reached my hand out and struck his arm and dropped my arm down until it came to his hand. He dropped the money in my hand. I held the money in my hand and asked him if he wanted me to vote for Mr. Ingalls. He said he did not have any man, that we understood one another. I said, "Certainly ; that's all right." He said, " You wait here a little bit and I will go out and then you can follow me." I waited, perhaps, five minutes. He went on down and then I followed him on down into the bar-room. I staid around there a while and went up to my room. I was boarding then at Mr. Billings's, and I and Mr. Clogston were rooming together.

Q. Which of you carried the money down ?—A. I carried it myself. I went to my room and went to bed about ten or eleven o'clock, I think.

Q. Was that the same man whom you met on the sidewalk that afternoon ?—A. It was not.

Q. Do you know the name of this man who plucked you by the shoulder and took you up to that room and gave you the \$250 ?—A. I do not.

Q. Have you ever seen him since ?—A. Yes.

Q. When and where ?—A. After the election of United States Senator we adjourned and went home for a few days. I think it was Thursday we came back, I will not be positive about it ; but after my return—I came in on the two o'clock train—I went up to Mr. Billings's, where I was boarding, and got some dinner, and then I knocked around through town ; and at night, just about dark, I went down to the Tefft House and as I went into the door this gentleman came out. It was after dark, the lamps were lit on the street.

Q. Do you know his name ?—A. I do not.

Q. Can you describe him ?—A. Yes, sir ; I can.

Q. Describe him.—A. He was a tall, stout-built young man. His cheeks were a little red. His eyes were rather small, and dark—I think black—either black or brown. His hair was black. He wore a mustache.

Q. What was the color of the mustache ?—A. Dark, anyway—perhaps black or brown.

Q. Did you inquire at any time what the man's name was ? You say you met him on the evening of your return, on the Thursday after the final vote, at the door of the Tefft House ?—A. Yes, sir.

Q. You were going in and he was coming out ?—A. Yes, sir.

Q. Did you ask any one his name or make any inquiry concerning it ?—A. I might and I might not ; I could not state positively.

Q. Do you remember whether you did or not ?—A. I do not remember whether I did or not.

Q. Do you know his name now ; have you learnt it since so that you are able to state it ?—A. No.

Q. Would you know him now if you should see him ?—A. I expect I should.

Q. Did you point out that man to any one as a person who had paid you money ?—A. I do not think I did. If I did, I do not remember it.

Q. Did you point out that man to J. B. Clogston, your colleague from your county ?—A. I did not.

Q. Did you not at one time, while talking with Mr. Clogston, see a couple of men at the bank east of the Tefft House—Prescott's bank—and point out those two men to Mr. Clogston ?—A. Just state that question again.

Q. Did you not at some time (and the particular time is not material, except that it was after this transaction to which you have testified), while standing in front of the Tefft House or along the walk, see a couple of gentlemen right across the street east, on the other corner, and point them out to Mr. Clogston, who was standing by you, as the men one of whom had talked to you about money and the other of whom had paid you money?—A. No, sir; I did not.

Q. Did you tell Mr. Clogston at any time that a man whom you did not know had offered you money to vote for Mr. Ingalls?—A. Yes, sir; I did.

Q. When did you make that statement to him?—A. I made that statement the night of the combination. I will not be certain, but I think it was after Mr. Clogston came home from the combination. I told Mr. Clogston about having the conversation with the first man, after the Anthony caucus and before the combination, and I think Mr. Clogston told me that he had been offered \$500 at that time; and I said to him, "You are ahead of me. I was offered two hundred and fifty or three hundred"; and he said he was offered five hundred.

Q. Do you know a man by the name of Hood?—A. I think I saw Mr. Hood a time or two during the Senatorial canvass.

Q. Do you know J. S. Danford, of Osage City, a banker?—A. I do not think I do.

Q. Do you know a man named Faulkes, who lives at Osage City?—A. I do not.

Q. Do you know a lawyer there named J. V. Admire?—A. I do not think I do.

Q. In regard to the man who handed you the money, whom you say you met at the Tefft House the night you came back, had you any conversation with him at that time?—A. I had a few moments afterwards.

Q. Where did you have the conversation?—A. He said that he wanted to talk with me.

Q. That was at the door?—A. That was at the door of the Tefft House, at dark, after I had returned from having gone home.

Q. After he said he wanted to talk with you, what occurred?—A. He took me by the arm and walked right across the street to the corner opposite from the Tefft House, under a lamp-post. I stopped right under a lamp-post, and I said, "If you have anything to say to me, you can say it here."

Q. Go on.—A. He stated that he was disappointed in my vote; that I had voted for Horton. I believe I told him that he said he did not have any man. Then he said he did not, but he thought \$125 ought to pay my electioneering and campaign purposes, or something like that. I think I told him it was pretty expensive.

Q. Did he ask you to pay back the \$250 or any part of it?—A. He asked me to give him back \$125.

Q. Was that the man who gave you \$250 in the room that you spoke of?—A. Yes, sir; that was the man, I think; I am pretty certain it was.

Q. (By Senator BAILEY.) Did you give him the money?—A. No, sir; I did not.

Q. (By Mr. WEBB.) What did he say about being disappointed in your vote?—A. He said he was disappointed in my vote; that I had voted for Horton. I told him he had said he did not have any man, and then he said he did not.

Q. You have said that you met one man on the street in the afternoon with whom you had a conversation, which conversation you have related.

I now ask you if, after the senatorial election, you ever saw that man again?—A. I did.

Q. Where did you see him?—A. I saw him between Osage City and Topeka on the train. He came through the car that I was sitting in.

Q. Was that at the time you returned?—A. Yes, sir; on my return from home after the adjournment.

Q. The train was coming towards Topeka, and you and he were both on the train?—A. Yes, sir.

Q. Did you have any conversation with him?—A. Yes, sir.

Q. What was that conversation?—A. I think I told him his man had gone in. I think those were the words.

Q. What did he say to you, if anything?—A. He said he did not have any man, I think.

Q. Was that all the conversation between you?—A. No, sir; I think he asked if Mr. Martindale was on the train.

Q. Did you answer him?—A. Yes, sir; I told him not that I knew of.

Q. Did you have any further conversation with him?—A. Not that I remember.

Q. Did you then find out or ascertain who that man was?—A. I did not. He went on through the car, and I did not see anything more of him.

Q. Do you know who he was?—A. I do not.

Q. Do you remember at one time being in front of the Tefft House when a great many men were gathered on the side-walk and you pointed to a man in the crowd whose back was towards you and asked Mr. Clogston, by whom you were standing, if he knew who that man was, and that he remarked to you "if you wait till he turns around I will tell you"?—A. I do not remember it.

Q. Is it not a fact that you did point to a man in the crowd in front of the Tefft House on one occasion, whose back was towards you, and inquire of Mr. Clogston who that man was, and that he said to you that if you would wait till he turned around he would answer you, and when the man did turn around he told you it was Mr. Hood?—A. It might be, but I do not remember the circumstance.

Q. Have you ever been down in the basement under the bank on this corner in the same block?—A. I have been.

Q. Were you down in that basement once with Mr. Clogston? Perhaps it is a saloon; I do not know.—A. It is.

Q. When, some one passing along in front of the bank, you said to Mr. Clogston, "Do you know who that gentleman is?" Do you remember that?—A. It seems to me like I do remember something about that.

Q. If you do remember it, do you remember whether that person was the man who paid you the money, the \$250?—A. I do not think it was.

Q. Then who was the man that you inquired about? Why did you ask who that man was? You asked Mr. Clogston down there, seeing some gentleman pass, "Who is that man?" Why did you ask who that man was?—A. I cannot say; I do not know. It might have been to ascertain whether it was the man who gave me the money. I do not remember positively about it. It seems like I have a partial recollection of it, but I do not remember positively about it.

Cross-examined by Mr. MARTIN :

Q. Where do you reside at present?—A. I reside in Greenwood County, Kansas.

Q. Are you still engaged in the practice of medicine?—A. I am.

Q. How long have you been engaged in that business ?—A. About ten years.

Q. In Greenwood County ?—A. No, sir ; not entirely.

Q. Where ?—A. In Cowley County.

Q. When did you locate and settle in Greenwood County ?—A. I have been in Greenwood County about five years.

Q. Were you ever a member of the legislature prior to the winter of 1879 ?—A. I never was.

Q. When did you come here to attend the legislature that session ?—A. I came about the 7th of January.

Q. With whom, if any one, did you come in company ?—A. I came up with Mr. Clogston.

Q. Mr. J. B. Clogston ?—A. Yes, sir.

Q. You and he residing in the same county ?—A. Yes, sir.

Q. Were you at that time acquainted with Mr. William Martindale ?—A. Yes, sir.

Q. Had you known him for a long time ?—A. I had for twelve years.

Q. Were you intimately acquainted with him ?—A. Pretty well acquainted with him.

Q. Did he come up in company with Clogston and yourself ?—A. He did not.

Q. Did he reach Topeka soon after you did ?—A. He was in Topeka during the senatorial campaign. I saw him some two or three different times during the campaign.

Q. Did you not frequently consult with him during the progress of the Senatorial election ?—A. I did not.

Q. Did you at all ?—A. I talked with him twice, I think.

Q. In respect to the Senatorial election ?—A. No, sir ; not entirely.

Q. State whether Mr. Martindale was here during the Senatorial canvass in the interest of Governor Anthony as a candidate for United States Senator ?—A. I think he was.

Q. Do you not know that he was ?—A. Yes, sir.

Q. Do you not know it to be true that Mr. Martindale was particularly active in his advocacy of Governor Anthony for the United States Senate, and his chief manager, so to speak. Do you not know that to be true ?—A. I do not know whether he was chief or not ; I know that he took a part.

Q. Was he not very active ?—A. I think he was working ; yes, sir.

Q. How long had you been here before you were first approached upon the subject of voting for a modified consideration ?—A. I never was approached excepting what I have stated in my testimony.

Q. Who was your particular choice for United States Senator when you first came here, or were you committed in any wise on that subject ?—A. No, sir ; I was not.

Q. Then you had no choice ?—A. No, sir ; none in particular. Our people were divided in regard to the matter.

Q. Were the representatives divided upon that subject ?—A. I do not know that they were.

Q. Did they agree upon the subject ; were they both for the same man ?—A. Yes, sir ; we both voted for the same man.

Q. Finally ; but when you came here were you both for the same man ?—A. I think Mr. Clogston was a stronger Anthony man than I was.

Q. Were you a modified Anthony man ?—A. I was.

Q. You say that your people in Greenwood County were divided on the subject of Senator ?—A. Yes, sir.

Q. How were they divided ?—A. Some were in favor of Governor Anthony and some were in favor of Senator Ingalls. Those were the two prominent candidates, with Mr. Pomeroy, as we understood.

Q. Was that the only division ?—A. I think it was.

Q. Then there were no Horton or Simpson or Phillips men in that section of the country ?—A. Not when I left home.

Q. When was it that you were first approached by this strange gentleman on the subject of voting for United States Senator; what day was it as near as you can now remember ?—A. It was the day before the final vote, I think, for United States Senator.

Q. Do you remember the day of the week ?—A. I think it was Thursday.

Q. What time in the day was it ?—A. It was in the afternoon that the first gentleman approached me.

Q. I am speaking now of the first gentleman. What time in the afternoon was it ?—A. It was after the adjournment of the Anthony caucus, which I think perhaps may have been three o'clock, or it may have been later, or perhaps not quite so late.

Q. Where were you standing when this gentleman approached you ?—A. I was on the street between the Tefft House and where the caucus was held in the Opera House. I was between the Opera House where the caucus was held and the Tefft House.

Q. You were on the sidewalk, I suppose ?—A. Yes, sir; on the west side of the sidewalk.

Q. Was there any one with you ?—A. There was not.

Q. Was any person standing in the immediate vicinity of where you and this strange man met ?—A. I do not remember noticing any gentleman passing along the street.

Q. Do you remember ever having seen this strange man before the time that he approached you ?—A. I do not think I had.

Q. What did he say to you when he first came up to you ?—A. He wanted to know if I was going to the combination caucus that night. I think he asked me whom I had been voting for first, and I told him for Governor Anthony.

Q. Then what did he ask you ?—A. He asked me if I was going to the combination caucus that night.

Q. What did you tell him ?—A. I told him I was not.

Q. What did he say in reply to that ?—A. Well, he said that he was an Ingalls man.

Q. Did you ask him who he was ?—A. I did not.

Q. Did you ask him where he lived ?—A. I am not certain.

Q. Did you ask him in what business he was engaged ?—A. No, sir.

Q. Did he ask you where you lived ?—A. No, he did not.

Q. Did he ask you what your name was ?—A. I think he called me by name at first.

Q. You think then that he knew you were a representative in the legislature ?—A. I understood it so.

Q. Still you made no sort of inquiry as to who he was ?—A. I did not.

Q. Did you not think it somewhat strange that a man who was a total stranger should come to you and approach you in that manner ?—A. I thought it was a little bold.

Q. Did you make any objection whatever to entering into conversation with him ?—A. No, sir; I talked with him.

Q. Did you protest in any way against any of the suggestions that he made ?—A. I do not know that I did.

Q. He came up and asked you questions in respect to whom you were

voting for and whether you were going to the caucus. What then did he say?—A. After asking me if I was going to the caucus, he stated that he was an Ingalls man.

Q. What did you say in reply to that?—A. He went on and talked. He said that if Mr. Ingalls was elected he would get a beef contract, to furnish beef for an Indian territory.

Q. Did he offer you a share in the contract?—A. He did not. He said they were paying two hundred and fifty to three hundred dollars for votes.

Q. Who were?—A. I asked him who.

Q. What did he say?—A. He said it did not matter about the man's name.

Q. Did he say who it was that was paying two hundred and fifty to three hundred dollars for votes?—A. He did not.

Q. What other conversation then occurred?—A. He did not say much else.

Q. Did you make no inquiry as to who it was that was paying it?—A. I think after that the conversation terminated; somebody came along and he walked on, and I went on to the Tefft House. That was the end of the conversation entirely.

Q. What kind of looking man was that?—A. He was a heavy-set man.

Q. How much would he weigh?—A. I think he weighed 160 or 180 pounds, something like that.

Q. How was he dressed?—A. I think he had on rather dark clothes.

Q. What was the color of his hair?—A. I think his hair was dark.

Q. What was the color of his whiskers or moustache, if he had any?—A. He wore chin whiskers; they were dark.

Q. Had he a moustache?—A. He had a moustache as well as chin whiskers.

Q. At the time this \$250 was mentioned to you, did he make any offer to pay you \$250?—A. He said they were paying from two hundred and fifty to three hundred dollars for votes for Ingalls. He said that he did not have the money.

Q. Did he offer to pay you any money to vote for Mr. Ingalls?—A. He did not.

Q. Then the subject of the conversation was simply a general talk of this kind. Some stranger walked up to you and told you they were paying two hundred and fifty to three hundred dollars for votes?—A. Yes, sir; that was about the amount of it.

Q. But no offer of any kind or character was made to you by this party of money, property, or other thing, to influence your vote?—A. No more than just what I have stated. He did not offer me any money or any valuable consideration.

Q. Why did you make the inquiry as to who it was that was paying the two hundred and fifty or three hundred dollars?—A. Just a matter of curiosity.

Q. You had not been in the Anthony caucus then?—A. Yes; I had just come from the Anthony caucus.

Q. Did this man ask you whether you were going into the caucus any more?—A. He seemed to know there was going to be a combination that night.

Q. Did he ask you whether you were going into the combination?—A. Yes, sir; he asked me.

Q. What did you tell him?—A. I told him I was not.

Q. Did you express any purpose to support Mr. Ingalls at that time ?
—A. I did not.

Q. Did he ask you to support Mr. Ingalls at that time ?—A. No, sir ; he did not ; nothing more than what might be inferred from his conversation.

Q. You have stated the whole of it ?—A. Yes, sir.

Q. Then, I understand you to say that you refused to go into the anti-Ingalls caucus ?—A. Yes, sir. I did not attend it.

Q. I understand you to say further that you were not at that time an avowed anti-Ingalls man ?—A. At that time I did not know who was to be the nominee of the caucus. I knew they would have a combination and somebody would be nominated, but, of course, I did not know who that nominee would be.

Q. But up to that time you had not avowed yourself particularly as being opposed to Senator Ingalls ?—A. No, sir ; not positively.

Q. I understand you to say that you never did make any open or public avowal of your opposition to Senator Ingalls until after you got this \$250 ?—A. Well, I voted for Anthony up to that time.

Q. I understand that up to that time, so far as you were concerned, you had not avowed in any other form or manner your opposition to Senator Ingalls, had you ?—A. Well, the charges that were being made against Senator Ingalls were continually prejudicing me against him.

Q. But you had not taken any position against him until after the payment of the money to you ?—A. I had attended the Anthony caucus and voted for Governor Anthony.

Q. Yes, but up to that time, after Anthony had gotten out of the way, or it was supposed he would get out of the way, had you not, in obedience to the divided public sentiment of your county, rather expressed an opinion in favor of Senator Ingalls ?—A. I think I said like this, perhaps, and I voted just in this way, that if it had not been for the charges which were made against Senator Ingalls I would have felt more favorable than I did towards him, he being the second choice of my constituents when I left home.

Q. Had you not distinctly avowed yourself up to the time you received the \$250, that when Anthony was out of the way, in obedience to the divided public sentiment of your county on the subject of Senator, you purposed to vote for Senator Ingalls ?—A. I think I had.

Q. You have stated substantially all that occurred between you and the first man that approached you on the sidewalk with whom you had this conversation about the use of money ?—A. Yes, sir.

Q. Did you ever see that man afterwards ?—A. Yes, sir ; I did.

Q. Where did you see him ?—A. I saw him on my return home after the adjournment.

Q. That is, on your return to the legislature ?—A. On my return to the legislature.

Q. After you had been home ?—A. After I had been home.

Q. Was that the same person whom you mentioned on that trip as having come up to you and made inquiries from you whether Mr. Martindale was on board ?—A. That was the same gentleman.

Q. I understand you to say that you had frequently expressed your purpose to vote for Senator Ingalls after Anthony was out of the way, and I understand you to say that you refused to attend the anti-Ingalls caucus ; and I understand you to say that during the time, or while that caucus was in session, some man came to you and gave you \$250 to vote for Senator as you pleased, and that next day you did go into the joint session and vote for Judge Horton ?—A. Yes, sir ; I voted for Horton.



Re-examined by Mr. Webb:

Q. I wish you to go back into that room where you received the \$250. The man who paid you that \$250 made some remark about an understanding. Repeat what his words were on that occasion?—A. At first he said he had a check for me. It was dark in the room. I could not tell whether he had a check or not. He said he had a check for me. I said I did not do business in that way.

Q. I am not asking you for that part of the conversation again, unless it is necessary for you to connect it. There was something you stated about his saying "We understand each other." That is what I want. Repeat what he said in that regard.—A. I asked him if he wanted me to vote for Ingalls, and he said he did not have any man. He said "We understood one another," or something like that.

Q. When he said "We understand each other," what did he mean, you and him?—A. I suppose so. There was nobody else in the room.

Q. Whom did you understand that he wanted you to vote for?—A. I thought he wanted me to vote for Senator Ingalls. That was my opinion from the conversation I had had with the first gentleman.

Q. You asked this man if he wanted you to vote for Senator Ingalls, and he said he had no man, but you understood each other?—A. Yes, sir.

Q. As one of the parties to that understanding, you say that you understood he wanted you to vote for Ingalls?—A. Yes, sir; that was my understanding.

Q. You say you did vote for Horton?—A. Yes, sir; I did.

Q. You said that this same man afterwards told you he was disappointed in your vote?—A. Yes, sir.

Recross-examined by Mr. MARTIN:

Q. I understood you to say that the room in which this \$250 was paid to you was the room immediately up stairs over Senator Ingalls' rooms?—A. I do not know about that. I think it was north, and perhaps east of Senator Ingalls' rooms. I think I went up three flights of stairs, and after I went up the third flight of stairs I turned east in a hall, and I went into a room on the left side of the hall, on the north side of the hall. That is the best of my recollection.

Q. Was it not the corner room?—A. I cannot say whether it was the corner room.

Q. What did you receive that \$250 for; what did you take it for?—A. I took it because he gave it to me. He said it was for electioneering and campaign purposes, to pay my campaign expenses.

Q. And that is what you took it for?—A. That was my understanding; that is what I took it for.

Q. From this utter stranger?—A. Yes, sir.

Q. Without any question in respect to it one way or the other?—A. Yes.

By Senator BAILEY:

Q. What did you do with that money?—A. I took it home with me.

Q. Did you spend it?—A. Some of it.

Mr. BIGGS. The persons whom we expect to connect with this transaction by their testimony may be here, and I do not exactly see why they are not here now. I should like to have this witness have a reasonable opportunity to identify those men if they should come here.

The CHAIRMAN. The committee cannot retain witnesses after they have delivered their testimony, upon the possibility that they may be

hereafter required. We must discharge the witness when his examination is concluded, and if either side desires to retain him it must be at its own expense.

Mr. RIGGS. I do not press the suggestion.

JEFFREY B. CLOGSTON, a witness called by the memorialists, recalled.

By Mr. WEBB :

Question. Have you heard the testimony of Dr. Raybell just given ?—
Answer. A part of his testimony only.

Q. I direct your attention to that portion of it in which he stated an interview that took place between yourself and a man on the sidewalk this side of the Tefft House in the daytime here. I ask you if you ever had any conversation with him at any time in which he stated that any man had talked with him about his voting for Senator Ingalls and about money ?—A. I had a conversation with him at our lodgings the day before, or one or two days before. He said that somebody had approached him and offered him \$250, or said he would give him \$250, or something of that kind.

Q. Did he state for what purpose ?—A. He went on and stated that the man said he would give it to him to pay his expenses.

Q. Did he tell you where that conversation took place ?—A. I think at the Tefft House, or near the Tefft House.

Q. In doors or out ?—A. I think he had a conversation with the man outdoors.

Mr. MARTIN. Is this proper evidence ? There is no charge, I trust, that Mr. Raybell was the agent of Mr. Ingalls.

The CHAIRMAN. I suppose this object of this testimony is to elicit from this witness proof that the party who paid the preceding witness money or offered him money was pointed out to this witness. Is that the object ?

Mr. WEBB. Exactly ; to identify him.

Mr. MARTIN. But their own witness swears that he did not point him out. Let it go ; I do not care about it.

Q. (By Mr. WEBB.) I intended to direct your attention to the offer first as separate and distinct from the conversation subsequently about the receipt of money ?—A. I think his statement to me was that some man had approached him in front of the Tefft House, or near the Tefft House, and had talked to him about money and about his vote in the coming election.

Q. Had you a conversation with him in which he made any statement about his having been paid and having received money ?—A. He told me that a man gave him \$250, and he said the man told him he did not have any man to vote for.

Q. At any time after that and after the Senatorial election did Mr. Raybell point out to you any person at any time or place as being either of the men with whom he had had those interviews ?—A. The morning of the last vote, the morning of the election, we had stepped down into the basement—it is a saloon or a barber shop, I do not know which—on the corner—

Q. Who stepped down ?—A. Mr. Raybell and myself. A gentleman passed on the street going towards the Tefft House, and Mr. Raybell said, " Who is that man ? " or " Do you know that man ? " or some question of that kind as to the identity of the man. I told him I did not know. I afterwards saw the man at the capitol ; I think it was about

the time of the report of the investigating committee; I saw him in the room. I inquired of one of the clerks who the man was, and he told me it was Mr. Danford.

Q. J. S. Danford, of Osage City?—A. The banker of Osage City. I do not know what his initials are.

Q. Did Mr. Raybell make any statement to you as to whether that was the man he had the first conversation with, or whether that was the man who paid the money?—A. I do not remember any reference to that man as to which one he was. He simply said he was one of the men he had had conversation with. So I understood him.

Q. Did he at any other time point out to you any other man in a crowd in front of the Tefft House?—A. One day (I do not remember what day it was) we were standing in front of the Tefft House, and he said "Do you know a certain gentleman?" pointing into the crowd. I said "If he turns around I will tell you." The man presently turned around, and I said "That is Mr. Hood." Said he, "Are you sure that is Mr. Hood?" I said, "Yes, that is Mr. Hood."

Q. What did he say about that man as being one of the men with whom these conversations had taken place?—A. He said "That is one of the men," or I understood him to say "That is one of the men" he had had these conversations with.

Q. Concerning the \$250?—A. The \$250; yes, sir.

Q. What Mr. Hood was it?—A. Mr. Hood of the bank at Emporia.

Q. Mr. Calvin Hood?—A. Calvin Hood, partner in Mr. Plumb's bank. I know Mr. Hood well by sight.

Q. Do you know whether my Calvin Hood and Mr. J. S. Danford, or either of them, took any part in the Senatorial campaign?—A. They were here all the time, or Mr. Hood was. I did not know Mr. Danford only as I had him pointed out. Mr. Hood was here during the campaign and I talked with him one time. He was taking an interest in the matter.

Q. In whose behalf?—A. In behalf of Mr. Ingalls.

Q. Was it not known and understood, and well understood, that Mr. Danford was here also in the interest of Mr. Ingalls?—A. Yes, sir; that was my understanding. I had frequent conversations with men in which his name was mentioned in connection with Mr. Ingalls as being a friend of Mr. Ingalls.

Q. And these two men, Mr. Danford and Mr. Hood, were pointed out by Mr. Raybell to you as being, one the man who first talked to him about money on the walk, and the other as having paid him the \$250 in the room, as you understood?—A. Yes, sir; that is what I understood.

Cross-examined by Mr. EVEREST:

Q. You gave your testimony before the legislative investigating committee, did you not?—A. Yes, sir.

Q. Did you not swear at that time that the man that Mr. Raybell pointed out to you as the man who offered him the money was Mr. Hood, of Emporia?—A. I do not remember.

Q. Was your recollection of the events then as good as it is now?—A. I presume it was. That examination was very hurried.

Q. Did you not then make this answer to this question?

Q. Give the name of the member of the house who told you that he had received money for his vote, and state amount, and what he said about it.—A. Mr. Raybell told me that a man whom he did not know offered him money, and wanted him to vote for Ingalls, but that he did not receive any money from him; that the man pointed out by

Raybell to me as the man who offered him money was a Mr. Hood, of Emporia, Kans. Mr. Raybell afterward told me that a second man came to him, and said he would pay him his expenses in his campaign to secure his election, and told him that Mr. Hood would furnish the money; that he gave him \$250, but did not request him to vote for Ingalls, but said that Hood wanted Ingalls to be United States Senator, but that Raybell said to him that at the time he received the money he was to vote for whom he pleased for Senator.

A. I think that is substantially my statement to-day.

Q. Did you not, in answer to this question,

Q. Did T. J. Raybell ever point out to you two certain men who had, as he said, urged him to vote for Mr. Ingalls for United States Senator, and one of whom he said had given him money to the amount of \$250 to vote for Mr. Ingalls? If so, state where and when and what Mr. Raybell said to you concerning the matter. State fully.

Make the following answer :

A. Mr. Raybell pointed out two men who, he said, had made offers to him. The first was a Mr. Hood; the second was not known to me, but have since learned that it was a man by the name of Danford, of Osage City, Kans. Do not think that Hood offered him any definite amount, but the second man, or Danford, offered and finally gave him two hundred and fifty dollars; that afterward Raybell told me that one of the men came to him and said that he was disappointed, and wanted Raybell to give one-half of the money back.

A. Yes, sir; that is my statement.

Q. Which is correct, your statement at that time or now?—A. I do not see any material difference between my statements.

Q. Have you not stated on your examination at this time that no one's name was mentioned for whom Mr. Raybell was to cast his vote?—A. I do not remember just what my statement was of the man who gave him the money. I stated he told me it was to pay expenses.

Q. Have you not stated on your present examination that Mr. Raybell did not know when he had this conversation with you who these gentlemen were?—A. Yes, sir; I stated so, and I state so now.

Q. Will you please state now where you first saw the person whom you say you afterwards ascertained to be Mr. Danford?—A. The first time I saw him was when Mr. Raybell pointed him out at the corner of the square, the northeast corner of the Tefft House square, on the sidewalk going toward the Tefft House.

Q. You had no conversation with that gentleman at the time?—A. I never had, that I know of, in my life.

Q. And you saw him afterwards, at the time of the legislative investigation?—A. I think it was at that time; I am not certain, but I think I saw him at the house during that time.

Q. Did you have any conversation with him then?—A. No, sir.

Q. When Mr. Raybell testifies that he did not point out these men to you, are you still of opinion that he did?—A. I did not hear his statement.

Q. If he did so testify, do you still think he did point them out?—A. I testified to what Mr. Raybell told me, and to the transaction that took place. It does not make any difference what Mr. Raybell or anybody else testifies to.

The committee adjourned until to-morrow at 11 o'clock a. m.

SATURDAY, September 27, 1879.

The committee met pursuant to adjournment.

Present, all the members, also Messrs. Eggers, Stumbagh, Riggs,

and Webb, of counsel for the memorialists, and the respondent, with his counsel.

CYRUS J. FRY, a witness called by the memorialists, sworn and examined.

By Mr. RIGGS:

Question. Where do you reside?—Answer. In Barton County, Kansas.

Q. In what representative district do you live?—A. The 121st, I think, but I am not positive as to the number.

Q. Who represented that district in the last legislature of Kansas in the lower house?—A. G. L. Brinkman.

Q. What is your politics?—A. I am a Republican.

Q. Was Mr. Brinkman elected as a Democrat or a Republican?—A. A Democrat.

Q. Did Mr. Brinkman have opposition?—A. Yes, sir; there was a Republican nominee against him.

Q. Whom did you support of the two, the Republican or the Democratic nominee?—A. The Democratic.

Q. Mr. Brinkman?—A. Yes, sir.

Q. Were you present at Topeka during the Senatorial election last winter?—A. Yes.

Q. When did you first come to Topeka; do you remember?—A. I do not remember the date—the same day that Senator Ingalls arrived here. That is all I remember about the time. What date it was I do not know.

Q. Was that before or after the separate votes in the two houses?—A. Before. On the Senatorial question, I suppose you mean?

Q. Yes, on the Senatorial question. Can you state about how long before it was?—A. I cannot.

Q. About how many days?—A. I cannot positively state.

Q. Were you here on the Sunday before the last vote?—A. Yes, sir.

Q. Are you personally acquainted with Senator Ingalls?—A. I am.

Q. Did you have any interviews with him during that Senatorial canvass before the legislature?—A. I did.

Q. How many interviews did you have?—A. I think four.

Q. About when was the first one, with reference to the first vote taken in the election of Senator?—A. I do not know that anything special was said about the first vote.

Q. I ask when was the first interview with reference to the time of the first vote; was it before or after the first vote?—A. It was before the first vote that we had any conversation.

Q. Where was that interview—at what place?—A. In the Tefft House.

Q. In whose room?—A. I suppose Senator Ingalls's room—the room he occupied during the contest.

Q. At whose solicitation was that interview? Was it of your own volition or at somebody's request?—A. It was of my own volition.

Q. You may state what conversation passed between Senator Ingalls and yourself at that first interview, giving what each said as nearly as you can remember it?—A. We passed the compliments of the day. He asked me how the country got along down with us, and asked me how it came that the Republican nominee was defeated; I informed him that he was not a popular man. I believe he asked me why I did not support him. I told him that I had a personal dislike for him, that Mr. Brinkman was a warm friend of mine and had supported me before, and I

thought the best I could do was to support Mr. Brinkman, under the circumstances, as he was a warm friend of mine and his influence would do me some good.

Q. Well, state anything further that was said?—A. He asked me how Mr. Brinkman was going to vote. I told him that he would vote, first, for a Democrat, and after that it was not positive how he would vote. He wanted to know why I could not get him to vote for him; I told him that if I tried I thought I could get him to vote for him, but, of course, it depended on what influence would be brought to bear on him upon that question; as far as voting for Mr. Ingalls was concerned he, personally, did not care very much. I thought his opinion in the matter would be that. The Senator said he wanted me to get Mr. Brinkman to vote for him if I could.

Q. What did you say to that?—A. I told the Senator that of course he knew I was working for a government position, and before I used what influence I had with Mr. Brinkman I should want him to agree to reciprocate the favor, or about those words, to assist me in getting the land office at Larned, where there was then a vacancy.

Q. State whether at that time you had been recommended for appointment to that vacant position in the land office at Larned?—A. I had been recommended to Mr. Ingalls by Colonel Stumbaugh. I had been a candidate for the office for some time.

Q. Had you been further recommended? Was your name pending at that time?—A. It was supposed down in our country generally that I was a candidate for the position.

Q. Go on and detail the conversation.—A. Mr. Ingalls told me that he would do what he could for me, and would see that I got something—I would be taken care of. I told him that was not just what I wanted; I would like to have something definite. He said, "All right, Mr. Fry; I will see that you get that appointment, or some appointment in one of the new districts." He said there would be several new districts, and he said, "You need not worry about me, I will take care of you." The conversation was general. He said I should go on and do all I could with Mr. Brinkman. He wanted to know definitely how soon Mr. Brinkman would vote for him; I told him I would see Mr. Brinkman about the matter.

Q. After this first interview with Mr. Ingalls, did you see Mr. Brinkman?—A. Yes, sir; I saw Mr. Brinkman.

Q. What, if anything, did you communicate to Mr. Brinkman in relation to the interview you had had with Senator Ingalls?—A. I asked Mr. Brinkman how he was making the Senatorial fight. He said he had not given up hopes of a Democrat yet. I wanted to know how soon he would go for Mr. Ingalls. He said he did not know yet. I told him I hoped he would go there soon, because if he could possibly lend me his influence in the matter I would need it. There were a good many Republicans in our county who had voted for and were in favor of Mr. Brinkman, who wanted him to vote for Ingalls. I told him I would like for him to go there as soon as he could. He said he would continue to vote with the Democrats yet, I believe until he found something more definite; but he said he would go to Mr. Ingalls when the time came to be of special benefit.

Q. You say this first conversation was before the first vote?—A. It was before the first vote.

Q. When did you have another conversation with Mr. Ingalls?—A. I think it was after the first vote was cast.

Q. When with reference to the second vote; do you remember?—A. The second conversation before the election was, I think, on the morning of the second vote.

Q. Where was that interview?—A. It was all in the Tefft House.

Q. In what room?—A. In Senator Ingalls' room, in the back room.

Q. What do you mean by the back room?—A. The room back of the parlor. There were two rooms occupied there.

Q. State what passed between Senator Ingalls and yourself at that time.—A. He said, "Fry, how is it that Brinkman ain't going to come over; is he?" Said I, "Yes, Senator, he is coming over; he is going to vote for you; I will assure you of that, Senator; you need not be worried about it; as long as you stand by me I will stand by you and use my influence for you and do what I can with Mr. Brinkman."

Q. What further was said?—A. That is the substance of it. He told me to have him come right away if I could. I told him I did not think he would come to-day, but would to-morrow. I said I was quite positive of it. I had been urging him to vote for Ingalls. He said he would like to have him come now, as he needed him.

Q. After that did you have a further interview with Mr. Brinkman?—A. I asked Mr. Brinkman going to dinner one day why he did not vote for Senator Ingalls and let the Democrats go. He said he had voted for a Democrat, and he guessed Senator Ingalls was not in any particular hurry to get his vote. I said I would like to see him go over there if he could, and he said he guessed he would go over. That was about the substance of the conversation at that time.

Q. When was your next interview with Senator Ingalls?—A. That was the evening before the election.

Q. The evening before the final vote?—A. Yes, sir; in the afternoon before the final vote, after dinner, along in the afternoon.

Q. The afternoon of Thursday, the final vote being on Friday?—A. On Thursday.

Q. Where was that interview?—A. That was in the front room of the two rooms occupied by Senator Ingalls in the Tefft House.

Q. State what passed between Senator Ingalls and yourself at that time?—A. The Senator told me he had got Brinkman's card and wanted me to go and bring Brinkman up there. I told him Brinkman did not care to come up there: "As he has concluded to vote for you now, that is all that is necessary." The Senator said he would like to have an interview with Brinkman. Said I, "Senator, Brinkman is all right; he is going to vote for you; I do not want to be worrying the man; but of course, Senator, now is about the crisis of the matter; I have tried with Mr. Brinkman to get him into the Democratic caucus to break up the caucus and do what he could. Of course I don't want you to break a promise to me." The Senator said I should go and have Brinkman do what I could and it would be all right; I should not worry about the matter.

Q. You say that he said he had received Brinkman's letter?—A. A note, I think it was, or a card.

Q. State, if you know, whether or not before this time Mr. Brinkman had seen Mr. Ingalls?—A. He had not, to my knowledge.

Q. Had you asked him to see him?—A. I had asked him frequently to go up and see Mr. Ingalls. He said he had no particular interest one way or the other; he had done his duty voting for the Democratic party.

Q. As to this note, state what Mr. Brinkman said to you about it?—A. I think he said, "Senator, I will be with you to-morrow."

Q. State what Mr. Brinkman said about having sent a note?—A. Why, said he, "I have sent a note," or "card," I am not sure which, "to the Senator, saying I will be with him to-morrow." That is about the substance. It was settled then that he was going to vote for Mr. Ingalls.

Q. Did he state what that note was?—A. "Senator, I will be with you to-morrow," I believe was the language of the note.

Q. Was there anything further in it?—A. I think the note said "see Fry."

Q. Was the interview on Thursday afternoon the last that you had?—A. I went down to get Mr. Brinkman to come up. I told him Mr. Ingalls was anxious to see him, wanted to be assured that he intended to vote for him. Said he, "Why, he need not worry about that." I took Mr. Brinkman up there; we went up there together, and he saw the Senator.

Q. You took him up to Senator Ingalls?—A. I went as far as the room with him.

Q. Did you leave him there?—A. Yes, sir; he spoke to the Senator a few words. He did not have a very long conversation with the Senator.

Q. State definitely what was the position which you were talking about to Senator Ingalls?—A. I was working for a position in the United States land office at Larned, the registership.

Q. Was that the office mentioned between Senator Ingalls and yourself?—A. "Mr. Morris's position," was the language used.

Q. "Mr. Morris's position in the Larned land office" was the language used in the conversation between yourself and Senator Ingalls?—A. Yes, sir; he said if he did not get me that there would be other land offices down there and I would get a position in one of the other ones.

Q. Mr. Ingalls's statement to you, then, was in substance that if you would secure Brinkman's vote he would either give you that position in that land office or a position in some other land office which was to be formed?—A. That was the way I understood the matter.

Q. How did Mr. Brinkman vote on the final ballot?—A. He voted for Mr. Ingalls.

Q. This was after the interview that you had procured between them by taking Mr. Brinkman there?—A. Yes, sir.

Cross-examined by Mr. EVEREST:

Q. You say you reside in Barton County?—A. Yes, sir.

Q. Has Mr. Brinkman been a resident of that county for some time?—A. Yes, sir.

Q. Was he in the legislature in 1873 at the first election of Senator Ingalls?—A. I believe he was.

Q. He was well acquainted with Mr. Ingalls?—A. Yes, sir.

Q. For whom did he vote in 1873?—A. I am not positive, but I think for Senator Ingalls.

Q. Then he was well acquainted with him?—A. He had acquaintance with Ingalls.

Q. He had once before voted for him for United States Senator?—A. Yes, sir.

Q. He was a Democrat at that time, was he not?—A. No, sir; there was no politics in the county at that time. He was the first representative of the county.

Q. Do you say he had no politics at that time?—A. Well, we did not draw party lines at the time. It was the cattle trade, or a herd law, I believe, that was the question in issue.

Q. Is not Barton County a pretty strong Republican county ?—A. It is now.

Q. At the last election of Mr. Brinkman were not the people of that county very strongly in favor of the re-election of Senator Ingalls ?—A. Well, there was some portion of it so and some portions not.

Q. Did not the Republican county convention adopt resolutions instructing their candidates to support him ?—A. They did.

Q. In October, 1878 ?—A. Yes.

Q. Were you a member of that convention ?—A. Yes, sir.

Q. Did you not introduce the resolution yourself ?—A. It was accepted on my introduction.

Q. Did you introduce or present such a resolution yourself ?—A. I presented such a resolution, but I could not get it before the convention.

Q. It was finally got before the convention ?—A. Other parties got it before the convention.

Q. Then you were favorable to the election of Senator Ingalls before you came here ?—A. Well, if I could get his influence I was favorable ; if I could not I was not.

Q. But before any interview with him you had written a resolution and tried to present it in the convention, instructing the nominees for the legislature to support him ?—A. It was handed to me and I was asked if I would not present it. I did not write it.

Q. You were friendly to him before you came here ?—A. I never met him but once before I came here, I believe.

Q. You had been postmaster at Great Bend before this, had you not ?—A. Yes, sir.

Q. After his first election ?—A. After his first election.

Q. And resigned that position ?—A. I resigned that position.

Q. At this first interview you say all that took place in substance was that you wanted his influence for some official position ?—A. Yes, sir.

Q. And the Larned land office was spoken of ?—A. Yes, sir.

Q. You did not get the land office ?—A. I did not.

Q. If you had got it I suppose we may understand that you would still be a friend of his ?—A. I am a friend of his yet, as far as that is concerned.

Q. Your sympathy and feeling for him, then, is still as cordial and as warm as if you had got the land office ?—A. I do not know. I never had any particularly friendly acquaintance with him. I met with him several times.

Q. I understand you to say that your feelings are the same still ; but your support of him or your influence depended upon your getting this position ?—A. Certainly.

Q. Did you testify before the legislative committee ?—A. I did not.

Q. When did you make known the interviews that you have been detailing to the memorialists ?—A. I do not know when they ever got hold of it. I cannot state when they did get hold of it.

Q. When did you tell anybody about it ?—A. I cannot state the time.

Q. Was it during that investigation ?—A. No ; long before that. When I went home several approached me on the subject.

Q. You told of these interviews then ?—A. I mentioned it to some friends. They asked me if I had got Ingalls's support.

A. The only recommendation you had had for this position to Senator Ingalls was one given by Mr. Stumbaugh ?—A. Yes, sir.

Q. He is one of the memorialists here?—A. I never tried to get anybody else except Captain Booth.

Q. You had simply Colonel Stumbaugh's, one of the memorialists in this case?—A. I believe he is. At the time I got that recommendation there was no allegation made.

Q. Whom were the other representatives in that land district supporting?—A. I cannot say positively now.

Q. Do you not know?—A. I cannot say how they did work.

Q. Whom was Mr. Willey for?—A. I do not know. I never inquired. I think, though, he was a Morris man, but I cannot say.

Q. Do you state that you made known these interviews before you ascertained whether you were going to get the land office or not?—A. I made them known to several of my friends who were helping me in the matter.

Q. And your feelings toward Senator Ingalls are the same as they were when you first came here?—A. I do not understand what you mean.

Q. I ask you to state whether your feelings of respect towards Mr. Ingalls are the same now as they were before this election?—A. I have the same respect for the Senator; yes, sir.

Q. Were you not the first man who notified Senator Ingalls of his last election to the United States Senate?—A. Yes, sir; I am under the impression that I was.

Q. Is it not a fact that you came running down from the capitol bareheaded in a hurry to notify him?—A. I did not come bareheaded.

Q. Did you ever see the card that Mr. Brinkman sent to Senator Ingalls?—A. No, sir.

Q. Which will you have it, a card, a letter, or a note?—A. I will say a card.

Q. You supported Mr. Brinkman for the legislature?—A. Yes, sir.

Q. Did he not state on the stump that he was going to support Mr. Ingalls?—A. Not to my knowledge. He told me he had not.

Q. Did you not hear that he had?—A. I had heard so. I asked him about it afterwards, and he said he had not.

Q. Are you the only one that had any talk with him?—A. I do not know.

Q. You came down the Sunday before the opening of the legislature, did you not?—A. I think I came before that. I am not positive what day I came.

Q. Did not Mr. Brinkman state during his candidacy for the legislature that after he had got through voting for a Democrat he was going to warmly support Mr. Ingalls?—A. Not to my knowledge.

Q. You heard no such talk?—A. I was not with him in his campaign at all in his travels, and I heard no such talk. I heard the remark made in the county.

Q. Do you know Mr. A. A. Hurd?—A. Yes, sir.

Q. Did he live there?—A. He lived at Great Bend.

Q. You knew at the time you were talking with Mr. Brinkman that he had before that time supported Senator Ingalls?—A. I knew he voted for Senator Ingalls six years before.

Q. You knew he was friendly to him personally, did you not?—A. I never knew that he had any particular friendship for Senator Ingalls.

Q. Do you say that Mr. Brinkman did not tell you that he would support Mr. Ingalls after he had given up voting for a Democrat, for the

reason that he thought he was a more fit person for that position ?—A. I do not know that he ever said those words.

Q. Did he say that in substance ?—A. He told me when I asked him for his influence that he would vote for a Democrat, and then he thought he would vote once for Senator Ingalls ; he did not know.

Q. What reasons did he assign for wishing to vote for Senator Ingalls after it had been demonstrated to him that a Democrat stood no show ?—A. Well, I suppose to gratify myself and other Republicans who had supported him.

Q. If you did not know his preference for Mr. Ingalls during his candidacy, why did you support him and go back on the candidate that you had helped nominate in a convention of which you were a member ?—A. I did not help to nominate the member of the convention.

Q. You were a member of the convention ?—A. I was, but I was of a faction opposing his nomination, and I knew Mr. Brinkman was a warm friend of mine ; that he had lent his influence for me to try to secure this government position before, and that if I should support him I could get his influence, if necessary, in the future.

Q. You had no letter, nothing to assure Mr. Ingalls, only your word, that you had any influence over Brinkman ?—A. No, sir.

Q. Is that all you know about the election of United States Senator this last time ?—A. That is about what I know.

Q. You sought all these interviews yourself ?—A. Yes, sir.

Q. You brought up the subject that you were an applicant for official patronage yourself ?—A. Yes, sir.

Q. Did you tell him what you wanted ?—A. Yes, sir.

Q. And he said you should be remembered ?—A. Yes ; that I would get an appointment. He would not say definitely in regard to that one appointment, but he said I should be remembered and should get an appointment.

Q. Was that based upon anything else except your recommendations which you had and the fact that he knew you were a Republican up to that time ?—A. I do not know.

Q. You made no condition precedent as to what you would do, only that you would see Mr. Brinkman and use your influence ?—A. That was it.

Q. And you knew before that time that Brinkman had supported Senator Ingalls ?—A. He had voted for Senator Ingalls previously.

Q. He had voted for Mr. Goodin previous to that, had he not ?—A. I believe he had.

Q. Mr. Goodin was the candidate of the Democratic caucus ?—A. Yes, sir.

Re-examined by Mr. RIGGS :

Q. You stated, as I understood, that Senator Ingalls told you to secure Mr. Brinkman's vote ?—A. I told him that I thought my influence and what other influence I could bring to bear on him would secure his vote for Mr. Ingalls.

Q. What did the Senator say in response to that suggestion ?—A. He said, " I want to have him come as soon as possible ; the sooner the better. I want him now."

Q. What did he say he would do for you in that case ?—A. He said nothing in case I got his vote ; but he said, " Fry, you shall be remembered and get an appointment."

Q. You have been asked about Mr. Brinkman's position, whether or not you knew that Mr. Brinkman's was friendly or unfriendly to the election of Senator Ingalls last winter previous to your soliciting his

vote.—A. He had no particular choice, I believe, after he voted for the Democrat. He said that he ought to please some of the Republicans that voted for him, but he had no particular choice. That is my impression.

Q. State whether or not he said anything to you last winter about his liking or disliking Senator Ingalls.—A. He told me he had no particular liking for Senator Ingalls.

Q. Did he tell you that before the Senatorial election?—A. Yes, sir; before.

Q. The election when you say Mr. Brinkman voted for him was six years before that?—A. Yes, sir.

Re cross examined by Mr. EVEREST:

Q. Did you not know at the time you came up to Topeka that Mr. Brinkman had already recommended Mr. Morris for the position in the Larned land office?—A. He told me he had signed Mr. Morris's petition, but he said he was working for me; he would use his influence for me. In case I did not get it he wanted Mr. Morris there.

Q. Did you not know when you came here to Topeka that Mr. Brinkman had already recommended Mr. Morris for that position?—A. I knew he had signed his petition.

Q. To Mr. Ingalls?—A. To Mr. Ingalls.

By Senator LOGAN:

Q. What influence did you use with Brinkman to secure his vote for Mr. Ingalls?—A. After Mr. Brinkman was elected I went to him and asked him how he was going to vote for United States Senator. He said he would vote first for a Democrat. Said I, "Mr. Brinkman, will you give me your influence for the position I am seeking?" Said he, "I have helped you in the past, and I will stick to and use my influence for you in the future." Said I, "Can I come down there and use your influence for myself?" He said I could. That was the sum and substance of it. He had been a warm friend of mine for years, and we had always worked together, were firm friends, and I supposed I could use his influence.

Q. Did you use his influence?—A. I tried to use his influence.

Q. Did he recommend you?—A. I am not positive whether he told Mr. Ingalls I was a candidate or not. I would not say whether he did or not.

Q. What is his reputation in the county he represents?—A. A man of high standing.

Q. Popular among the people?—A. One of the most popular men in the country.

By Mr. EVEREST:

Q. You knew then that he had signed a recommendation for Morris?—A. The recommendation was to keep him from being put out. He did not know of a reappointment at the time he signed the recommendation.

Q. You do not answer my question.—A. I said once before I knew that.

By Senator CAMERON:

Q. Was Mr. Morris reappointed?—A. Yes, sir.

Q. The same man whom Brinkman had recommended?—A. Yes, sir.

Q. Had Brinkman recommended him before you had this conversation with him prior to the election?—A. Yes, sir.

Q. Did you know at that time that he had recommended him?—A.

Yes, sir; but I will say in explanation that there had been several moves to put Mr. Morris out, and Mr. Brinkman did not know there was any reappointment when he recommended him.

Q. What did he recommend him for?—A. To have him kept from being removed.

Q. Did he recommend him for reappointment?—A. To prevent his removal.

Q. Did you see the written recommendation that he signed?—A. It was simply a petition.

Q. Did you see it?—A. No, sir; I did not.

Q. Have you ever seen it?—A. I have never seen it.

By Mr. RIGGS:

Q. State whether there was any other appointment made to that office when that vacancy did occur, when Morris's term expired.—A. According to the newspapers there was another appointment made.

Q. Who was that?—A. Captain Hanback.

Q. Captain Hanback of this place who was not confirmed?—A. According to the newspapers he was not confirmed.

Q. That was after Mr. Morris's term had expired?—A. Yes, sir.

Q. And that was the position to which you aspired, the position filled by the appointment of Captain Hanback?—A. Yes, sir.

WILLIAM M. MOORE, a witness called by the memorialists, sworn and examined.

By Mr. RIGGS:

Question. Where do you reside?—Answer. I reside in Rose Creek Township, Republic County, Kansas.

Q. What is the number of your representative district?—A. One hundred and six.

Q. State whether you were a member of the lower house of the legislature of Kansas last winter?—A. I was.

Q. Representing that district?—A. Yes, sir.

Q. Are you acquainted with Senator Ingalls?—A. Only from an introduction, not personally.

Q. When were you first introduced to Senator Ingalls?—A. I cannot state the exact time.

Q. About when was it?—A. It was near the time when he first came to Topeka last winter, perhaps two or three days after his arrival, during the Senatorial contest.

Q. State whether or not you had any interview with Senator Ingalls during that Senatorial contest.—A. I had.

Q. At whose solicitation was that interview?—A. The solicitation was from Mr. Donahue of Atchison.

Q. Joseph Donahue?—A. Joseph, I believe is his name.

Q. Was he a member of the house of representatives?—A. He was a member of the house of representatives.

Q. A friend of Senator Ingalls on the final ballot?—A. I cannot say positively whether he was a friend of Senator Ingalls or not.

Q. Do you know whether he voted for Senator Ingalls?—A. I cannot say positively; I believe, though, that he did.

Q. Where was that interview with Senator Ingalls?—A. It was in his rooms, in the southeast of the Tefft House, on the second floor.

Q. In Senator Ingalls' own rooms?—A. Yes, sir.

Q. Did Mr. Donahue take you to Senator Ingalls' room?—A. Mr.

Donahue met me at the top of the stairs and told me he wished to introduce me to Senator Ingalls.

Q. Did he say anything about Senator Ingalls desiring it?—A. I believe he did, but I am not positive. However, he wished to introduce me.

Q. Did he go with you to Senator Ingalls' room?—A. He went with me to the first room, to Senator Ingalls' room, and opened the door.

Q. Did he introduce you?—A. Yes, sir; he introduced me.

Q. Where was your interview with Senator Ingalls had, in that room or another?—A. In his own room, the second, past the first.

Q. Who was in the room during the interview?—A. Mr. Ingalls himself and myself only.

Q. State what Senator Ingalls said to you in that interview?—A. In the first interview that we had I do not remember what he did say, only just an introduction we had there and a slight conversation on the Senatorial matter; nothing definite.

Q. Nothing in regard to your vote?—A. Not at that time; only he asked me whom I was going to support.

Q. Did you answer him?—A. I did.

Q. What did you tell him?—A. I told him I was going to support William A. Phillips.

Q. To that, did he make any reply?—A. No, sir; he made no reply.

Q. Was that all that was said on the Senatorial question at that time?—A. I believe it was, at that time.

Q. Was anything said about a further interview at that time?—A. Mr. Ingalls invited me to call and see him again.

Q. What did you say to that?—A. I said that I would.

Q. Did you call to see him again?—A. I did.

Q. When?—A. It was within a day or two of the final vote—within a day or two of the 31st.

Q. Within a day or two of the vote which resulted in his election?—A. Yes, sir.

Q. Where was that interview?—A. That was in the same room.

Q. Who was present at that interview?—A. Mr. Ingalls and myself.

Q. What was said between you at that time?—A. Mr. Ingalls asked me in reference to Mr. Phillips' vote in this manner: whom I was going to support after I saw there was no chance for Mr. Phillips?

Q. What did you say in reply to that?—A. I told him in reply that I could not tell whom I would support after Mr. Phillips.

Q. What further was said?—A. He asked me what his chances were with me.

Q. Go right on.—A. I said I could not tell him. I told him that I came down unpledged even for Mr. Phillips, and that I aimed to remain free until I could decide upon the best man.

Q. Go right on and state any further conversation.—A. He said to me, "Now, Mr. Moore, I feel as though I was entitled to a re-election;" that was, he had done his duty, and believed the people ought to support him and send him as Senator again. I made this remark, that there were charges preferred against him. He said those charges were false. I said that there could not be a great deal of smoke without some little fire; however, I would reserve the right to wait and see. Then Mr. Ingalls urged me again for my support. I told him that I could not promise it to him at that time. Mr. Ingalls said to me, "I do not see you very often." Said I, "No, sir; I am not very often here." He asked me where I boarded. I told him where I boarded; one block east and three blocks south of the State-house. He asked me if I had

a good boarding place. I told him that I had a good, homelike place. He then said to me, "Mr. Moore, cannot I better your boarding-place for you?" I told him, no sir; I did not believe that he could. Then the next move was this: Mr. Ingalls said to me, "Mr. Moore, you see that the most of my supporters are our young men aspiring for position in the future, and if I am elected I can help you." He said, "No doubt you have ambition like other young men." My reply to that was that I had 160 acres of land in Republic County, and that my aspirations were there until the people wanted me for something and I could comply. The next was, Senator Ingalls said to me, "Mr. Moore, I will have my friends talk to you." I said "Good morning, Mr. Ingalls; it is time for roll-call and I must be going." That ended our interview.

Q. Did you have any further interview with Senator Ingalls?—A. Not any further interview with Senator Ingalls.

Q. Did any of his friends see you?—A. No, sir; they did not see me.

Cross-examined by Mr. EVEREST:

Q. I wish to ask you only one question. You did not vote for Senator Ingalls at all?—A. I did not.

Mr. STUMBAUGH presented to the committee a paper signed by the counsel for the memorialists announcing that they did not propose to offer any testimony affecting the integrity of the votes for Mr. Ingalls of three senators and five representatives named in the paper.

The CHAIRMAN. These are in addition to those exculpated the other day?

Mr. STUMBAUGH. Yes, sir.

The CHAIRMAN. Subpœnas have issued returnable on Tuesday next for these persons as witnesses. There is time now to notify them that they need not appear.

Mr. EVEREST. Mr. Chairman, I am hardly able to understand that paper. I think there is no gentleman named in it, except one, who is spoken of in the last memorial filed.

The CHAIRMAN. This is an additional paper, as I understand, submitted in compliance with the order of the committee. A few days ago the counsel for the memorialists filed a paper exonerating from all implication whatever some sixty-six members of the legislature. This is a list of additional names setting forth that they will not attack the integrity of the votes of the gentlemen therein named. After the paper was filed exonerating sixty-six, subpœnas were asked for the residue, some twenty, of those members who voted for Senator Ingalls, which subpœnas have been issued or telegrams for the parties sent out returnable on Tuesday next. Now, I suppose the counsel for the respondent have time to countermand the subpœnas for those named in the paper just filed, and they should at once do so, as those persons are not charged with any corruption by the memorialists. I only want to have them notified that they need not attend.

Mr. EVEREST. If the memorialists have no witnesses present, we are ready with one.

Mr. RIGGS. We do not wish to examine any further witnesses this morning.

The CHAIRMAN. We will hear any witnesses for the respondent who may be present.

GEORGE L. BRINKMAN, a witness called by the respondent, sworn and examined.

By Mr. EVEREST:

Question. State your residence.—Answer. Great Bend, Barton County, Kansas.

Q. Were you a member of the legislature of this State last winter ?—A. Yes, sir; I was.

Q. Do you know Mr. Ingalls, the respondent ?—A. I do.

Q. How long have you been acquainted with him ?—A. I first met him six years ago last winter ?

Q. Was he then a candidate for the United States Senate ?—A. He was.

Q. Did you, or did you not, vote for him on that occasion ?—A. I did.

Q. Have your relations with him since been friendly and intimate ?—A. Not intimate.

Q. What representative district were you a candidate in last fall ?—A. The 120th.

Q. Do you know Mr. Fry ?—A. I do.

Q. Did you hear his testimony here ?—A. I did.

Q. You are a Democrat ?—A. Unfortunately for myself in Kansas, I am.

Q. You were a candidate against the regular Republican nominee ?—A. I was.

Q. Who was your opponent ?—A. G. W. Nimmoeks.

Q. Do you know generally what the disposition of the people of your county was as to their choice for senator ?—A. If they expressed a wish, I guess it was in favor of Senator Ingalls. I so understood it. I do not think my part of the house particularly felt that way.

Q. The Democratic party were in the minority in that county ?—A. Yes, sir.

Q. You received the support of a large number of Republican, did you not, to secure your election ?—A. I did.

Q. Was there anything said by you to any of the Republicans who voted for you at their request as to whom you would support in case there was no opportunity for the election of a Democrat as Senator ?—A. That was the main issue to some extent among some of the disaffected Republicans.

Q. State what were the preferences that were expressed to you by the Republican friends who supported you.—A. It was for Ingalls.

Q. Did you give them to understand that their request would be obeyed in case a member of your party could not be elected ?—A. I so stated at one school-house only, I think, but some of my friends stated it on other occasions.

Q. You knew it was made an issue in your election ?—A. I knew that Mr. Hurd stated it.

Q. Mr. A. A. Hurd ?—A. Yes.

Q. He was a Republican and a friend of yours and of Ingalls ?—A. I always understood him so.

Q. Then you came here knowing that the Republican friends who supported you were friendly to Mr. Ingalls' re-election ?—A. Yes, sir.

Q. State what influence, if any, Fry exercised over you to get you to vote for Senator Ingalls.—A. I do not know that I recollect.

Q. Do you not recollect him ?—A. I recollect him, but not the influence you speak of.

Q. Did he ever on any occasion propose to barter you for the purpose of forwarding his interests in aspiring to any official position ?—A. I think Fry and I understood mutually that I was to support Ingalls. I gave him to understand that from the start.

Q. Before coming to Topeka?—A. Yes; it was so understood after complimenting a Democrat.

Q. You say that Mr. Fry knew that while you were a candidate?—A. I understood it in that way; that he understood I was to vote for Ingalls after voting for a Democrat once or twice.

Q. Do you know about what the Republican majority was in your district?—A. On the State ticket it was several hundred; between 300 and 500.

Q. Is your district a very thickly populated district?—A. We had 2,000 votes.

Q. And your party was in the minority two or three hundred?—A. Over 300.

Q. You say the Senatorial question was made an issue in your election to some extent?—A. Yes, to some extent.

Q. Had you not signed a petition or application for Mr. Morris to be retained in the land-office at Larned before your election?—A. I would not be positive about that, but early in the fall.

Q. Before you came to Topeka as a member of the house?—A. Yes, sir.

Q. Did Mr. Fry know that?—A. I do not know whether he did or not, but I think I told Fry about it.

Q. You signed no recommendation for Mr. Fry?—A. I think I did afterwards. After Charley Morris hung fire so long, I think I signed a request for Mr. Fry.

Q. State what written card or note you ever sent to Senator Ingalls during the Senatorial canvass.—A. After balloting for a Democratic candidate, I forget now what number of days, but three or four or five, I do not know just the number of times, it was apparent that the Democrats would no longer ballot together solid, and as soon as we found out the day when we were likely to "bust," as we called it, I took a business card of some description and wrote to the Senator, "after tomorrow I will be with you," or something to that effect.

Q. Was that all?—A. All, except perhaps the date.

Q. Was anything said in that about seeing Fry?—A. Not at all.

Q. Were you ever requested to see Fry by Mr. Ingalls?—A. No, sir.

Q. Did you have any interviews personally with Mr. Ingalls at all during that canvass?—A. I am not positive. It seems to me I was in Senator Ingalls's room once only a few minutes and among a crowd.

Q. Was there any personal solicitation made by him upon you to support him?—A. No, sir.

Q. Was it not understood by him and his friends generally in your section of the country that after supporting a Democrat you would support Mr. Ingalls?—A. Yes, sir.

Q. That was publicly avowed before you came here to the legislature?—A. I stated it only on one occasion, but my friends said it on other occasions.

Q. Did you not also state that fact publicly in the Democratic caucus here at Topeka?—A. I did.

Q. You stated publicly here in the Democratic caucus that after you had tried voting for a Democrat you would support Mr. Ingalls, agreeably to the wishes of your people?—A. Yes, sir.

Q. Then your voting for Mr. Ingalls did not depend on any influence that Fry had employed?—A. I hardly think it did.

Q. That was small-fry, was it?—A. Fry and I are personally very good friends. I would do anything for him I could.

Cross-examined by Mr. RIGGS:

Q. Do you swear that Fry's request to you had nothing to do with your voting for Mr. Ingalls?—A. I do.

Q. Did you not say to a number of members of the Kansas legislature last winter that you were not personally friendly to Mr. Ingalls and that you disliked him?—A. I said so, and I say so yet in a personal way.

Q. But you sent that card to Mr. Ingalls. Did you not assert that you were sorry you had sent it, and that if you had not sent it you would not vote for him?—A. I might have said that; I do not remember.

Q. You say it was understood among your friends at home that your Republican supporters had asked you to support Mr. Ingalls. Was not Mr. Fry of that number?—A. Yes, sir. I have understood him to be a friend of Mr. Ingalls all the way through.

Q. Mr. Fry was an active Republican supporter of yours?—A. Yes, sir.

Q. Got a great many votes of the Russians and other foreigners?—A. Possibly. I do not know that I got them through his influence.

Q. That class of Republican supporters were men who wanted you to support Mr. Ingalls and were followers of Mr. Fry at home?—A. No, sir.

Q. You say that you did state repeatedly that you did not like Mr. Ingalls?—A. Personally.

Q. And were sorry you had promised to support him; did you not say that?—A. I do not know that I did.

Q. Do you remember a conversation that you had with Mr. Eggers, near the Gordon House, by the side of the fence running east and west at the Gordon House, on the morning after Horton's nomination?—A. I think I do.

Q. Did you not state in that conversation to Mr. Eggers that if you had not given your promise to Mr. Ingalls you would not support him?—A. I think probably I said so.

Q. Did you not state further in that conversation to Mr. Eggers that if it was not for your desire to help Fry and your promise you would not support Mr. Ingalls?—A. No, sir.

Q. You say you did not say that?—A. I say I did not.

The committee took a recess until two o'clock p. m., and resumed its session at that hour.

Mr. STUMBAUGH, in behalf of the counsel for the memorialists, submitted a paper withdrawing the charges contained in specifications 2, 7, and 8 of the additional or supplementary memorial presented to the Senate April 23, 1879, so far as they affected the integrity of the votes for Senator Ingalls of Mr. Ballard of Washington County, Mr. Bishop of Jewell County, and Mr. Blackman of Leavenworth County.

The CHAIRMEN. Gentlemen of counsel for the respondent, you have heard the paper read. Certain witnesses have been subpoenaed for you in regard to these charges. You now have time to recall those subpoenas.

WILLIAM M. MOORE, a witness called by the memorialists, recalled for further examination.

By Mr. WEBB:

Question. You have already stated that you represented one of the districts of Republic County?—Answer. Yes, sir.

Q. Who was the senator representing your county at the last session of the legislature?—A. Mr. I. O. Savage.

Q. Are you personally acquainted with Mr. Savage ?—A. I am.

Q. Did you attend the caucus the night before the final vote was taken, which was called and was known as the anti-Ingalls caucus ?—A. I did attend the caucus.

Q. State whether or not Mr. Savage was present at that caucus.—A. He was.

Q. Can you state whether he took any part whatever in that caucus ?—A. Yes, sir.

Q. State what he did, and what, if anything, he said there. Tell us what his position was.—A. He took what I considered an active part in the caucus.

Q. In the interest of what candidate ?—A. In the interest of Albert H. Horton.

Q. Was Albert H. Horton the nominee of that caucus ?—A. He was.

Q. How long did Senator Savage remain in that caucus ?—A. He remained till the close of the caucus.

Q. At what hour of the night was it that the caucus adjourned ?—A. Somewhere between three and four o'clock, I believe.

Q. In the morning ?—A. Yes, sir ; in the morning.

Q. The morning of what date—the 31st of January ?—A. It was the morning of the day the final vote for Senator was taken. It was the 31st of January, I believe.

Q. State whether you had any conversation with Senator Savage in the caucus.—A. I had.

Q. Concerning your own vote or action ?—A. Yes, sir.

Q. State what he said to you in that regard.—A. The statement was made to Mr. White and myself.

Q. By whom ?—A. By Mr. Savage. He came to us in our seats. We were in our seats, I am positive—in the seats we were in the habit of occupying during the session—and he earnestly advised us to support Albert H. Horton.

Q. What Mr. White is it that you were sitting with ?—A. My colleague from Republic County.

Q. What is his full name ?—A. George L. White.

Q. State whether previous to the convening of that caucus, at any time, Senator Savage had talked with you as to your own vote and asked you to support any particular person.—A. No, sir ; not at all.

Q. Between what hours did the caucus adjourn ?—A. I should judge it was somewhere between three or four o'clock in the morning ; I did not take particular notice.

Q. When next after that did you see Senator Savage ?—A. The next that I saw Senator Savage was at the depot down here after the vote.

Q. Did Senator Savage make any speeches in that caucus ?—A. He made no particular speech. He merely said that he believed Albert H. Horton was a good man ; also that he was the best man to beat John J. Ingalls.

Q. Did he make that remark sitting down talking to yourself and White, or did he rise and address the caucus ?—A. He came to us from a portion of the house, I do not remember where, and leaned over the table and addressed Mr. White and me.

Q. Did he address the caucus at all as a caucus ?—A. No, I believe not ; I do not remember that he did.

Q. How long did you say you had known Senator Savage previous to the meeting of the legislature ?—A. I have known Senator Savage nearly ever since I have been in Republic County.

Q. What length of time ?—A. I have known him, perhaps, for about seven years.

Q. Are you able to state what his financial condition was at the time the legislature convened in January last?—A. No, sir, I am not.

Q. Was he in easy circumstances or financially embarrassed?—A. He was considered to be financially embarrassed, but to what extent I do not know.

Q. Can you say whether or not any of his property was mortgaged?—A. I understood so; I am not personally cognizant of the fact.

Q. Do you know, comparing his financial condition, or the reputation of it, before the meeting of the legislature and afterwards, how he stood financially shortly after the legislature adjourned?—A. I could not say right away after the legislature adjourned, but I know he is reported as standing square with the world at the present time.

Q. How is it as respects the mortgage said to be on his place?—A. I have heard that the mortgage was canceled.

Q. Has there been any considerable talk among the people of your county in regard to his having a mortgage on his property before the legislature convened which he has paid off since?—A. There has.

Q. Has that been a general subject of discussion among the people of your county?—A. It has.

Q. Do you know of his erecting any building since the legislature met?—A. I could not swear that he has erected any buildings, but I understood that Mr. Savage had built a saloon; in fact, I have heard men say they have drawn the lumber for it and were paid by him for it. I cannot say whether he built it for himself or for other parties.

Q. That has been since the legislature adjourned?—A. Yes, sir.

Cross-examined by Mr. EVEREST:

Q. Has there not also been a denial of his building a saloon?—A. I believe there has; but not of building a saloon to my knowledge.

Q. Is he not a Republican, and has he not been known as a Republican?—A. Yes; he is known as a Republican.

Q. Has not Mr. Savage been an old resident of that county?—A. Yes, sir.

Q. Quite a prominent Republican in politics?—A. Yes, sir.

Q. Holding official position frequently?—A. Yes, sir.

Q. A man of character among the Republican people there?—A. Yes, sir; he has been.

Q. Is it not a fact that immediately after that Senatorial canvass there was a meeting of Republicans there held and his course in voting for Senator Ingalls was indorsed?—A. Yes, sir.

Q. By his party?—A. By a portion of his party.

Q. You were speaking about his financial condition, about his building a saloon and having mortgages on his place and about canceling them; all that is mere rumor, is it not?—A. It is so with me.

Q. You have no personal knowledge on the subject?—A. I know nothing about his mortgage.

Q. And you know nothing of his financial condition except from hearsay?—A. That is all.

Q. You have no personal knowledge?—A. None. I could not, of course, say that I have seen the papers or anything of the kind. That is what I mean by personal knowledge.

Re-examined by Mr. WEBB:

Q. You say there was a meeting called in that county after Mr. Savage's return which indorsed his course in voting for Senator Ingalls?—A. Yes, sir.

Q. What was the sentiment of your county so far as you know—and you were one of the representatives of the county—among the Republicans concerning Senator Ingalls; was he or was he not the choice of the people of your county?—A. As far as my knowledge goes, he was not the choice of the people of my district. I cannot say for the county.

Q. Was he the choice of the Republicans of your district?—A. No; I do not think he was.

Q. Do you know how large the meeting was which approved and indorsed the course of Senator Savage?—A. I do not know only from what I heard after I returned home.

Q. Then you have been not present at it?—A. I was not present.

Q. You have been asked in regard to the indorsement by that meeting of Senator Savage. Now, I ask you what you heard of the numbers of the meeting; how large a meeting was it?—A. I heard that there were six.

Q. Only six?—A. Only six.

Recross-examined by Mr. EVEREST:

Q. Your representative district composes but a small portion of Republic County?—A. The north half of Republic County.

Q. The senatorial district composes three counties, does it not?—A. It is composed of Republic and Cloud, I believe.

Q. You only speak what the sentiment towards Ingalls was of the majority of the Republicans in your district?—A. I do not believe I rightly understand the question.

Q. You say that a majority of the Republicans of your district were not favorable to Mr. Ingalls?—A. Yes, sir.

Q. Do you pretend to speak for the senatorial district in that respect?—A. No, sir; I do not.

Q. You do not know anything about that?—A. I do not.

Q. What is your politics?—A. Republican.

Q. Did you so report yourself here?—A. I did.

Q. You were elected as a Republican?—A. I was.

Q. Cloud County is in the senatorial district, is it not?—A. Yes, sir.

Q. Do you not know that the Republicans of that county instructed their representatives to vote for Mr. Ingalls?—A. I believe they did.

Q. All you know about the size of the meeting which indorsed the course of Senator Savage was by rumor?—A. By rumor.

Q. You were not there?—A. I was here at Topeka.

Q. And you heard that from people unfavorable to him?—A. I heard that from many parties; I did not ask whether they were favorable to him or not.

JOHNSON BEATY, a witness called by the memorialists, sworn and examined.

By Mr. WEBB:

Question. You were a member of the last house of representatives of the State of Kansas?—Answer. Yes, sir.

Q. Representing one of the districts of Brown County?—A. Yes, sir.

Q. Elected as a Democrat?—A. I believe so.

Q. For whom did you vote on the first ballot that was taken for United States Senator?—A. I think I voted for John B. Goodin on the first ballot.

Q. The next vote was in joint convention. For whom did you vote in the joint convention on the first ballot there?—A. I think I voted for John B. Goodin the first time, but I will not be positive now.

Q. Was Mr. Goodin the Democratic candidate for United States Senator?—A. Yes, sir.

Q. Did you attend the caucus that was held the night before the final vote was taken, and which is known as the anti-Ingalls caucus?—A. Yes, sir; I did.

Q. Were you there from the time that caucus convened until it adjourned?—A. Yes, sir.

Q. Are you acquainted with Senator I. O. Savage?—A. I am.

Q. Was he present in that caucus?—A. Yes, sir.

Q. Did you have any conversation with him there in respect to who should be voted for as a candidate by the members of that caucus?—A. I had some conversation with him.

Q. What did he say to you in that regard?—A. I sat by the side of Mr. Savage, east of the speaker's stand, I believe, a good portion of the night. Mr. Savage, I believe, voted for some other parties, I do not know who; gave some of the other candidates a complimentary vote or two, and then voted for Judge Horton. I did the same, I believe. He and I were both writing tickets on the same desk. We would just write our tickets and lay them down, and the hat was passed around. I believe that he voted for Judge Horton (with the exception of a few complimentary votes at first) all the time.

Q. About how many ballots were taken in that caucus?—A. I do not know.

Q. Were there many or few?—A. A good many. We balloted there from, I suppose, about nine o'clock until two, I believe, or it may have been later.

Q. Do you know whether Mr. Savage made any speeches or talked to the caucus during its sitting?—A. Not that I recollect.

Q. Do you know whether he solicited other persons to vote for Judge Horton?—A. I do not know whether he did or not. He and I were sitting at the desk the most of the night. Sometimes we would pass around through the house, but that was rather our headquarters, there east of the speaker's stand.

Q. Do you know whether he staid there till the caucus adjourned?—A. I think he did.

Q. When did you next see Senator Savage after that caucus broke up that morning?—A. I might have seen him sooner, but I saw him just before I went up to the capitol; I suppose about ten o'clock.

Q. Where did you see him then?—A. I saw him in front of the Tefft House.

Q. Did you have any conversation with him at that time with respect to the vote to be taken for United States Senator?—A. Yes, sir.

Q. State what he said to you, if anything, and what you said to him in that regard in that conversation.—A. As near as I can recollect, I went up to Mr. Savage on the street opposite the Tefft House and said to him, "How do you think we are going to make out in this Senatorial fight; do you think Mr. Horton will be elected?" Said he, "I have not any doubt about it; I have no doubt but what Mr. Horton will be elected from the fact that we had got about 79 in the caucus, and we have about 92 votes in all." I believe that was about what we were counting on, 92 votes, that we thought we should have for Mr. Horton. He said he thought there was no doubt but what Mr. Horton would be elected.

Q. How long was that before the vote was actually taken?—A. I think it could not have been to exceed an hour and a half.

Q. Were you present in the joint convention at the time the vote was taken?—A. Yes, sir.

Q. Did you vote?—A. I did.

Q. For whom?—A. I voted for Judge Horton.

Q. Do you know whether Mr. Savage voted or not?—A. I heard his name called.

Q. Did you hear him vote?—A. I heard him call out "John J. Ingalls."

Q. He voted for John J. Ingalls for Senator?—A. Yes, sir.

Q. How near were you sitting to Senator Savage when he voted on the last ballot, the one you have just mentioned when he voted for John J. Ingalls?—A. I cannot say. I was sitting west of the speaker's stand. I do not know where Mr. Savage was sitting. I do not recollect.

Q. Were you present at every sitting of the joint convention previous to the final vote?—A. Yes, sir.

Q. Do you know for whom Senator Savage voted in the joint convention previous to the final vote?—A. I do not.

Q. Do you know whether he voted for John J. Ingalls or not?—A. My impression is that he voted for Mr. Anthony, but I would not be positive.

Q. Anthony or Phillips?—A. I think it was Mr. Anthony, but I would not be positive about it.

Cross-examined by Mr. EVEREST:

Q. You say you are a Democrat?—A. Yes, sir.

Q. Your district is Republican, is it not?—A. It is, but it is Greenback while it is Republican.

Q. Did you receive the votes of the Greenbackers in that district?—A. Yes, sir; I suppose I did.

Q. Then you were a Greenbacker to some extent?—A. No, sir.

Q. The talks that you had with Senator Savage of which you have spoken were not in the presence of Senator Ingalls, were they?—A. No, sir; they were not.

Q. All that you have detailed here took place simply between you and Mr. Savage?—A. Yes, sir.

Q. And that is all you know about it?—A. That is all I know about it.

JOHN B. KENNEDY, a witness called by the memorialists, sworn and examined.

By Mr. WEBB:

Question. Were you a member of the house of representatives of the legislature of this State at its last session?—Answer. I was.

Q. Representing one of the districts of Doniphan County?—A. The second district of Doniphan County.

Q. Your county adjoins Atchison County?—A. Yes, sir.

Q. Your district adjoins Atchison County?—A. The district I represent runs within about three miles of the city of Atchison.

Q. State whether or not you are a Republican.—A. I am a Republican and always have been.

Q. Were elected as such to the last house?—A. Yes, sir.

Q. Are you personally acquainted with the respondent, John J. Ingalls?—A. I have been acquainted with Mr. Ingalls, more or less, for about ten years.

Q. For whom did you vote for United States Senator in the first vote taken by the house separately from the senate?—A. I voted for William A. Phillips on all the ballots except the final ballot. On the final ballot I voted for Judge Horton.

Q. State whether you had any conversation with John James Ingalls here in this city after your arrival here as a member of the legislature.—
A. I had a conversation with Mr. Ingalls in his room at the Tefft House.

Q. When was that conversation—at what time?—A. I do not remember. It was about three days, possibly, before the election. It was the day previous to the last meeting of the Republican caucus.

Q. Did you seek Mr. Ingalls in his room, or did you go there upon invitation?—A. I was asked to call upon Mr. Ingalls by several of his friends. I went there with Dr. Linn, of Pottawattomie County. I served with Dr. Linn in the legislature once before, and he asked me to go there with him.

Q. Dr. H. C. Linn?—A. Exactly.

Q. Was he one of Mr. Ingalls's friends and supporters?—A. He stated to me that he was one of Mr. Ingalls's friends.

Q. He invited you and accompanied you to Mr. Ingalls's room?—A. Yes.

Q. Did you have any conversation with Mr. Ingalls at that interview regarding the question as to whom you would vote for for United States Senator, whom you would support?—A. Yes.

Q. State the conversation. First I will ask you whether at this conversation other persons were present?—A. There was nobody but myself present at this conversation. It was in the back-room.

Q. State the conversation just as it occurred, as near as you can remember, using his words and your own.—A. Mr. Ingalls asked me why I could not support him for United States Senator; if there was any reason. I stated to Mr. Ingalls that personally I had no objection to him at all, but that my friends who elected me were opposed to him, and for that reason I could not support him. Mr. Ingalls replied and said, "Kennedy, you are a young man; I want your support; your district is adjoining Atchison County; you are one of my neighbors, and I want your support. If you will support me I can build you up in Doniphan County; I can fix it so that you will control the patronage there and be the coming man in Doniphan County." I turned to Mr. Ingalls and said that I was too old a politician to bite at anything of that kind; he nor no other man could sustain me there as long as Colonel Leland and Mr. Price and the other parties who controlled the Republican organization of Doniphan County were opposed to him; that that would not do at all; that I could not support him under any circumstances of that kind. Mr. Ingalls then said to me, "Here, I want your support; we understand each other; now I want to fix this thing right between you and me. What do you want? I have got to have your support." I said to Mr. Ingalls that I would see him again, and bade him good-day, and left the room. That was the only and the last conversation we had.

Q. Did you see him again after that?—A. I did not.

Q. You say he said to you, "We understand each other." Did you understand him?—A. Well, I got an impression.

Cross examined by Mr. EVEREST:

Q. How many candidates were there for United States Senator?—A. I do not remember the list. I suppose every man in the State would have been willing to be a candidate.

Q. Was there a baker's dozen of them?—A. Just about.

Q. I suppose others also solicited votes from members as well as Mr. Ingalls?—A. Yes.

Q. It was the general order of the day here in Topeka at that time to

solicit votes in interviews with members of the legislature, was it not?—

A. Yes.

Q. You were not bribed by Mr. Ingalls?—A. Not a particle of it.

Q. You opposed him all the way through?—A. Yes.

Q. You liked him personally but opposed him because you were so instructed by your people?—A. That was it.

Q. (By Mr. WEBB.) Do you say you were instructed?—A. No; Judge Everest put that word in my mouth.

Q. (By Mr. EVEREST.) I will change it, then. You opposed him because the people of your district were opposed to him, meaning thereby Mr. Leland and Mr. Price?—A. I will state this: I had no personal feeling against Mr. Ingalls. There were no instructions; our representatives were not instructed.

Q. But you knew that such Republicans in your county as Cy. Leland and Nat. Price were opposed to him?—A. Yes, sir.

Q. You knew that they ran the Republican party of that county, did you not?—A. No.

Q. You knew that they were the influential men in the Republican party of that county?—A. I knew they were two of the influential men.

Q. And you knew you could not be sustained among your people without their aid?—A. No.

Q. Who was the senator from Doniphan County?—A. R. M. Williams.

Q. For whom did he vote on all except the final ballot?—A. He voted for John J. Ingalls except on the final ballot.

Q. And then for whom did he vote?—A. For Albert H. Horton.

Q. There were a great many changes around by different members, were there not, from the time they first started into this Senatorial fight?—A. It is not necessary for me to answer that.

Q. You were a member of the house, and I ask you if members did not change during the fight?—A. I knew of some changes.

JOHN T. LANTER, a witness called by the memorialists, sworn and examined.

By Mr. WEBB:

Question. Do you reside at Garnett, in Anderson County?—Answer. Yes, sir.

Q. You were not a member of the last legislature?—A. I was not.

Q. Were you present here in Topeka during that period of time which was known as the Senatorial contest, or any portion of the time?—A. I think I got here on Monday night before the balloting commenced, and left the day after the election.

Q. After the final vote had been taken?—A. Before the final vote had been taken; I left in the morning.

Q. Were you a friend of John James Ingalls in that contest?—A. I was friendly to him.

Q. Friendly to his election?—A. Yes, sir.

Q. Do you know of your own personal knowledge what rooms Mr. Ingalls occupied in the Tefft House?—A. Yes, sir; he occupied the southeast-corner rooms on the first floor above the office, Nos. 17 and 19.

Q. Do you know who occupied 21, across the hall?—A. I do not know whom it was assigned to; I know there were a great many persons there.

Q. Who usually occupied that room, or whom did you frequently see there, as you visited it frequently?—A. I saw a great many there; I could name parties that I saw there.

Q. Name them.—A. I saw Mr. Shanklin, of Lawrence, there; I saw Mr. Rankin there, I think.

Q. John K. Rankin?—A. Yes; and I saw Mr. Hallowell there.

Q. Senator Hallowell?—A. Yes, sir; Senator Hallowell and Dr. Linn.

Q. H. C. Linn?—A. Yes, sir.

Q. Go on.—A. And Mr. Merritt.

Q. James S. Merritt?—A. James S. Merritt.

Q. Who else?—A. Joseph C. Wilson.

Q. Go on.—A. I could go on all day; I do not remember how many persons I did see there.

Q. Was Col. A. C. Dawes there at any time?—A. I do not know him; I do not know whether I saw him or not; I see a man over yonder whom I saw there too, Mr. Smith.

Q. W. W. Smith?—A. Yes.

Q. He was a member of the house?—A. Yes, sir; I saw George Peck there, I saw Mr. Williams there, I saw John Martin there, too.

Q. Are you acquainted with a man who was a member of the house of representatives last winter whose name is James A. Hossack?—A. I knew a man who was represented to me to be Mr. Hossack, of Crawford County, I think. I am not personally acquainted with him. I think I spoke to him a few times; I saw him there in that room, and I saw him at his boarding house; I boarded at the same house where he did.

Q. Where was that?—A. That was at Judge Holmes's.

Q. You say you saw him in room 21 of the Tefft House?—A. Yes, if room 21 is the one immediately across the hall on the second floor; I saw him there.

Q. The same room where you saw these other gentlemen whom you have named?—A. Yes, sir.

Q. State whether you saw any person pay him any money there in that room at any time during that Senatorial contest, or hand him any money.—A. Well, one evening—

Q. Answer my question directly; did you see any person hand him or give him, or deliver to him any money there in that room?—A. I think I did.

Q. Who was that man?—A. My recollection was that it was Mr. Merritt.

Q. James S. Merritt?—A. Yes, sir.

Q. Do you know the amount of money he handed him there?—A. I do not know it positively; I think I heard it stated in the conversation.

Q. At what sum?—A. I think I heard the sum \$200 mentioned.

Q. Who mentioned that amount?—A. I could not say whether it was Mr. Merritt, or Mr. Wilson, or Mr. Hossack, or who it was; they were all three together.

Q. Did you see it?—A. I saw the money in one of their hands.

Q. How was it, in a roll or in a package?—A. I think it was loose, just what you would call loose in the hand.

Q. Did you see any other member of either house of the legislature receive any money from any person during that session of the legislature in that room from Mr. Merritt, Mr. Wilson, or any person?—A. I do not think I did. I do not remember any other.

Q. I have reference now to all the time you were here, not merely that same night.—A. I have that reference too.

Q. Did you see any other member of the legislature, or do you know of any other member of the legislature receiving any money at any other

time or place during the period you were here in Topeka ?—A. For what purpose ?

Q. I did not ask the purpose.—A. State your question again ; it is a broad question, it seems to me.

Q. Did you see or do you know of any other member of the legislature receiving any money from any person at any place here in Topeka between the time of your arrival here on the Monday before the voting commenced for United States Senator and the morning that you left before the final ballot ?—A. Yes, sir ; I did.

Q. More than one ?—A. I think two or three others.

Q. Name them.—A. I do not remember who they were.

Q. Where did they receive it ?—A. They were drawing their pay of John Francis, the State treasurer.

Q. Outside of that, outside of the Hossack matter and outside of those members of the legislature whom you saw at the treasurer's receiving their pay from Mr. Francis, their per diem and mileage as members, I ask you if you saw or knew of any members of the legislature receiving any money from any person or persons within the time I before designated here in Topeka ?—A. Well, I do not remember. I might. If I did, it was a common, ordinary transaction that I would not remember.

Q. Are you acquainted with Samuel A. Riggs, the gentleman sitting by me ?—A. My impression is that I am. I have known him for fifteen or twenty years.

Q. Were you in Topeka on the day the legislature adjourned finally at its last session ?—A. I think I was, or the day before ; I am not certain about that. I was here about the last day of the session.

Q. Do you remember a conversation between yourself and Mr. Riggs in front of the Tefft House on the day the legislature adjourned, or as your remembrance is the day before, in which you and he talked about the committee of investigation and the report which had been made by that committee concerning Mr. Ingalls's election ?—A. Yes ; I remember talking to him about it.

Q. Did you state to him in that conversation that that investigation had been very loosely conducted ?—A. I do not know whether I did or not. We had considerable talk about it, and I do not know whether I used the term that it had been loosely done or not. I cannot remember. I did not charge myself with the conversation afterwards. It was merely an incidental talk.

Q. Did you not tell Mr. Riggs in that conversation that there was evidence lying all around loose of Mr. Ingalls's corruption that the committee ought to have got hold of ?—A. I told Mr. Riggs—

Q. First answer my question, please ?—A. I desire to state what I did tell Mr. Riggs. I know what it was.

Q. First answer my question, if you please.

The CHAIRMAN. It seems to me (and I think that is the opinion of the committee) that questions with reference to conversation between this witness and another party in reference to this matter which the witness now knows, ought to be brought out ; but what he said to another person some months ago we cannot see the bearing of.

Mr. WILLIAMS. We are making no objection, if the committee please.

Mr. RIGGS. I think my associate is only exercising one of the privileges accorded in eliciting testimony from an unwilling witness. We simply desire to refresh the witness's memory in relation to a certain conversation. He has given certain answers before this committee which were palpably designed to provoke mirth. We desire to disclose from this witness himself that he knows, or has pretended to know, a great

deal more than he is stating to this committee now. We desire to refresh his recollection somewhat by reference to a conversation that he had.

Mr. WILLIAMS. We desire to unite with Mr. Riggs in asking that the other side have the privilege of going on with the examination in the way they propose.

The CHAIRMAN. Go on. The suggestion I made was for the purpose, if possible, of trying to limit the inquiry.

Mr. RIGGS. We shall not pursue it unreasonably, Mr. Chairman.

Q. (By Mr. WEBB.) Answer my question?—A. I should like to have you repeat it.

Mr. WEBB. It can be read by the stenographer.

The question was read to the witness as follows:

Q. Did you not tell Mr. Riggs in that conversation that there was evidence lying all around loose of Mr. Ingalls's corruption that the committee ought to have got hold of?—A. No, sir; not in that form.

Q. Now, you may state what you did tell Mr. Riggs at that time. You say you remember it; please tell it.—A. I remember it. I told Mr. Riggs that I thought that investigation had been conducted unfairly in some respects. I told him that I thought they might have got more evidence against parties who were candidates here than they did get, and I told him a good many other things about of that tenor at that time, and I supposed he understood at the time that the whole thing was simply a joke, but I found out afterwards that he took it all seriously.

Cross-examined by Mr. WILLIAMS:

Q. When you had this conversation with Mr. Riggs about their being able to procure testimony against other candidates for Senator, you referred to candidates besides Mr. Ingalls, did you not?—A. Yes; I do not know that I mentioned any candidate.

Q. I do not ask as to that, but you referred to others?—A. Yes; I referred to other candidates.

Q. What time in the day or night was it that you saw Merritt hand money to James A. Hossack?—A. My impression is that it was about eight o'clock in the evening, or I should say from seven to nine—I think between those points—I do not remember exactly the time.

Q. Was the room darkened or lighted?—A. It was in the condition, I think, that it was usually kept. I was reading a newspaper at a desk at the time the occurrence took place; that is, by the table at the east side of the house.

Q. There were no mysteriously turned on lights upon that occasion?—A. No, sir.

Q. Was the door locked?—A. I do not remember whether the door was shut or open.

Q. I ask if it was locked?—A. I do not know whether it was even shut or not. I could not tell you about that.

Q. Were parties in the habit continually of going in and out of that room?—A. They were—all evening. I do not know whether any one came in or went out at that time.

Q. That is not my question. Was it not customary for parties to go in and out of that room as publicly as they would into and out of the office downstairs?—A. Oh, yes.

Q. Who were present at this time besides Mr. Merritt, Mr. Wilson, Mr. Hossack and yourself, do you recollect?—A. I think Mr. Hallowell was in the room; I think he was lying down on one of the beds.

Q. State as accurately as you can the relative position of all the par-

ties in the room at that time, where Mr. Merritt stood or sat, where Mr. Wilson, where Mr. Hossack, and where yourself, and also illustrate the relative positions to the committee.—A. I was sitting on the south side of the room reading a newspaper. There were two beds on the north side of the room, in either corner, one bed in this corner and one in that (indicating.) I think that there was some person sitting there by the table reading a newspaper at the same time, but I do not remember now who that was. I think that Mr. Merritt, and Mr. Wilson, and Mr. Hossack were sitting on the east bed in the room. I think Colonel Hallowell was lying down on the west bed. The first thing that attracted my attention to what was going on, I heard somebody talking, and in that conversation I heard money mentioned, and the sum mentioned \$200, and I heard something said about a debt and a loan. I heard detached words of the conversation. I did not hear the connected conversation. This called my attention to where they were. About that time I think they stood up on the floor from the bed, and Mr. Merritt handed Mr. Hossack some money.

Q. State as much of the conversation as you can, what Mr. Hossack said, what Mr. Merritt said, and what anybody else said.—A. I could not do that, for I was across the room from them, and they did not speak to me, and I did not speak to them. All that I heard was what I got in their talk back and forth. I did not hear the connected conversation.

Q. Was that conversation carried on in an ordinary tone of voice?—A. It was neither loud nor suppressed.

Q. It was in an ordinary tone, then, was it not?—A. It was about in the ordinary way as men would talk who were sitting together and having a private conversation.

Q. It did not have any appearance of secrecy or concealment?—A. It had not seem to me that it had any.

Q. You knew nothing of the intention to talk of anything of that kind?—A. I knew nothing of it.

Q. No objection was made to your being present?—A. None.

Q. You had no connection with the transaction?—A. None whatever.

Q. You were sitting there as in an ordinary sitting-room as when you took occasion to go in there?—A. Yes, sir.

Q. Was any suggestion ever made to you by any one to say nothing of the transaction?—A. Nothing was said to me about it at all.

Q. Did it in anywise strike you as a mysterious transaction or a secret one?—A. It did not strike me as if the intention was to conceal it from anybody that was in the room.

Q. You were not asked to conceal it from any one?—A. No, sir; nothing was said to me about it.

Q. You have said that you knew James A. Hossack. Did you also know one Frank Playter, of Girard, by sight?—A. I knew him by sight here last winter, but I would not know him now.

Q. Did you during that Senatorial contest see James A. Hossack drunk?—A. Well, my impression is that about the night before the election he was a little that way. It seemed to me so.

Q. Where was he?—A. He was around the Tefft House.

Q. Did you see him at any place else?—A. No, sir; only I saw him down at supper.

Q. Did you see any one with him? Do you know E. H. Brown from that same section of country, or did you then know him by sight or otherwise?—A. No, sir.

Q. You saw Hossack about, the night before the election, drunk?—A. I think the night before.

Q. Was he moderately so, or was he pretty drunk?—A. I was not very much acquainted with the man, but I thought he was what you would call pretty full.

Q. Did you see him more than once in that situation?—A. The only time I remember distinctly seeing him was down there passing through the lobby or office when I thought he was in that condition. I was not with him during the evening, and do not know who was with him.

Q. You did not notice who was with him?—A. No; I do not think I knew; I do not know the men you speak of; I do not know whether they were with him or not.

Re examined by Mr. WEBB :

* Q. You say you came here on Monday?—A. On Monday evening, I think.

Q. What do you mean by evening?—A. I mean that I got here about dark.

Q. Did you come in on a regular train?—A. I came in on a freight; I came up on the Galveston road to Lawrence and got on a freight and came right on here.

Q. You say you got here about dark?—A. It was about dark.

Q. Where did you stop?—A. At the Tefft House.

Q. Did you stay at the Tefft House all the time you were here?—A. No, sir; I went the next day, I think, down to Judge Holmes'.

Q. Was the night you saw Hossack pretty full the night Merritt loaned him the money?—A. I cannot state as to that; I do not think it was; I would not be positive about that, though.

Q. Then your impression is that he was not drunk when Merritt handed him the \$200?—A. I did not know that he was.

Q. You say that you have an impression that the night you saw him drunk was the night before you left to go home?—A. Yes.

Q. You have already stated that you went home on Friday morning; do you undertake to say that it was the Thursday night next before that you saw him intoxicated?—A. I have said that that was my impression.

Q. Can you say that that was the night?—A. No; not positively; it might have been the night before.

Q. Was it not Monday night, the very night you got here, the night of your arrival?—A. Well, I am not sure as to the night; I do not think it was, though; I kept no memorandum of these things.

Q. Did you ever read the testimony that was taken before the committee of investigation appointed by the last house of representatives of this State concerning this same transaction this committee is inquiring into?—A. Not in full; I read detached portions of it.

Q. Did you read enough to know that it was contended there by some of the witnesses that Hossack was drunk on Monday night, and that he gave a certain paper, which was offered in evidence, on Monday night? Did you learn that fact from your reading of that testimony?—A. I remember reading the testimony of Mr. Shaw in regard to a paper. I think it was Shaw.

Q. Did you read any testimony that was printed as to when Hossack was drunk?—A. I do not think I did.

Q. Did you read Hossack's testimony?—A. I do not remember it if I did.

Q. Do you not know that Hossack claimed that he executed that paper which Shaw's testimony referred to, on Monday night, and that he was drunk at the time he executed it?—A. I think I have heard it stated so. I do not think I read it in the testimony.

Q. Counsel asked you in regard to the persons who were present, and their relative situations in the room at the time Hossack received the \$200. He also asked you whether there was any effort to conceal it, and asked you in regard to the conversation of the parties, Merritt, Hossack, and Wilson. He asked you if there was any effort to make the transaction a secret one, and you replied that there was no effort to conceal it from the persons present. Now I ask you if all the persons present were not known friends and supporters of John James Ingalls?—A. So far as I can remember their names, they were. I do not pretend to tell all that were in the room.

Q. I want you to answer the question that I have asked in respect to all you have designated as being there. You have designated Merritt, Wilson, Hossack, Hallowell, and yourself, and you have said that there might have been another man there reading a newspaper at the table?—A. I think there was.

Q. We will omit that man whom you do not remember, and ask you if all the others were not known friends and supporters of John James Ingalls?—A. I knew them all to be unless it was Mr. Hossack; I did not know how he did stand.

Q. You had not any doubt where he would be after getting that money?—A. I did not know anything about it.

Q. At the time that money was paid, had you not heard that there was money being used in the Senatorial election?—A. Yes, sir; I heard that before I left home.

Q. At the time that money was paid had you not heard frequently that money was being used in the Senatorial canvass to control the votes of members of the legislature?—A. O, yes; I had heard that report all around the Tefft House, and all over the State where I had been.

Q. Therefore the paying of a couple of hundred dollars by Mr. Merritt to Mr. Hossack, member from Crawford County, was a matter of no consequence in the presence of Mr. Ingalls' friends, was it? It did not surprise you any?—A. Not in the way it was conducted.

Recross-examined by Mr. WILLIAMS:

Q. Rumors in this delightful State of Kansas of ours that the Senatorial candidates were using money in the election, concerned all candidates, did they not?—A. I do not know that they did concern all candidates. The rumors would generally state "there is money being used at Topeka," without reference to any candidate particularly. That was the way the talk generally was. Sometimes candidates were specified, and sometimes they were not.

Q. That is just what I am asking you about, whether the rumor was not in reference to the use of money generally in the Senatorial election and not by any particular man. Is that what you mean?—A. Yes; I mean just what I have stated, that the rumors were that money was being used, and sometimes persons would say this man was using money and that the other man was using money.

By Senator CAMERON:

Q. Was Mr. Ingalls present in room 21 at the time Merritt handed that money to Hossack?—A. He was not.

ELIJAH W. MAJORS, a witness called by the memorialists, sworn and examined.

By Mr. WEBB:

Question. You are a resident of the county of Crawford in this State?—Answer. Yes, sir.

Q. A member of the last house of representatives from that county ?—
A. Yes, sir.

Q. Was James A. Hossack a colleague of yours during the last session of the legislature ?—A. He was.

Q. Were you personally acquainted with Mr. Hossack previous to his coming here to attend the session of the legislature ?—A. I was acquainted with him a short time before, not a great while.

Q. About how long ?—A. Perhaps six months ; a very short time before the election.

Q. Did you ever have any conversation with him after his election and before he came to Topeka, with respect to his choice for United States Senator ?—A. Just before he started for Topeka, perhaps two days—we came up together—and he expressed himself as favorable to George T. Anthony a short time before we came up here and on the trip here.

Q. Did he so express himself on your way here ?—A. Yes, sir ; we came here together.

Q. He expressed himself in favor of Anthony for United States Senator ?—A. Yes, sir.

Q. Were you present when the house voted separately from the senate for Senator ?—A. Yes, sir.

Q. Do you know how Mr. Hossack voted ?—A. He voted for John J. Ingalls.

Q. The first ballot in the house separately ?—A. That was when the house voted separately from the senate. He voted for John J. Ingalls. That was on Tuesday.

Q. All right ; I did not know that fact. The legislature had then been in session two weeks, had it ?—A. Yes, sir.

Q. After your arrival here and before that vote was taken, did you have any conversation with him in regard to the question or matter of how he should vote ?—A. After we arrived here it was frequently talked of until about the time we commenced to vote, perhaps a day or two before the vote for United States Senator on Tuesday. Within a day or two of that he had expressed himself to me as favorable to George T. Anthony.

Q. All the time ?—A. Yes, sir ; I do not recollect any instance to the contrary.

Q. Did you board at the same house that he did ?—A. Yes, sir.

Q. Did you room with him ?—A. Yes, sir.

Q. Did he, previous to giving his first vote for Senator, which you say was for Mr. Ingalls, tell you that he was going to vote for any other person than Mr. Anthony ?—A. I do not recollect that he did, though I think just a day or two before he seemed to be wavering ; at least, I thought he was not very firm for George T. Anthony. I did not talk with him very much, because we differed in reference to that matter.

Q. You say that the first vote taken in the legislature was on Tuesday. State, if you can, whether at any time during the session of the legislature Mr. Hossack was intoxicated to your personal knowledge.—
A. Not to my personal knowledge.

A. Do you remember seeing him on Thursday night—the night before the final vote for Senator was taken ?—A. Yes, sir.

Q. Where did you see him that night ?—A. I saw him at the capitol building, after the anti-Ingalls caucus had united upon Judge Horton, when there were a number of gentlemen invited up there to make speeches—George T. Anthony and others. Then Mr. Hossack, with Mr.

Playter and Ed. Brown, came up together, and sat very close to where I was sitting during those speeches.

Q. What time of night was that?—A. That was after twelve o'clock—perhaps one o'clock, or it may have been two. It was long after we had waited on Judge Horton and invited the opposition candidates up to make speeches, some four or five.

Q. Do you say that Mr. Hossack came into the room after the nomination was made?—A. Yes, sir; he was there.

Q. Who accompanied him?—A. Mr. E. H. Brown and Mr. Frank Playter and he were together.

Q. Who accompanied him?—A. Mr. E. H. Brown and Mr. Frank Playter and he were together.

Q. Were you personally acquainted with both Brown and Playter?—A. Yes, sir.

Q. What was Mr. Hossack's condition at that time?—A. He was sober, as far as I could tell; I thought he was.

Q. Did you sleep with him that night?—A. Yes, sir—that is, after after four o'clock. We did not, perhaps, get to bed till after four o'clock. We were up to our room about the same time—in fact, at the same time. He was a very few minutes ahead of me, and we slept the remainder of that part of the night together.

Q. In the same bed?—A. In the same bed.

Q. Was he intoxicated or had he been drinking that night?—A. I do not think he was intoxicated, nor had he been drinking.

Q. You said you had been acquainted with Mr. Hossack for perhaps some six months before the legislature was convened. Do you know anything of his financial standing and circumstances with respect to having money at his command? I am not speaking about property, but as to having or not having money at his command about the time you and he came here to the legislature.—A. I think it was the first week we were here Mr. Hossack told me that he was short of money and could not pay his first week's board, and asked me for a small amount.

Q. For you to loan it to him?—A. Yes, sir.

Q. Did you make the loan?—A. I loaned him a few dollars.

Q. How much?—A. Six dollars, I think it was.

Q. Was that what he asked you for?—A. I think it was not particularly what he asked me for. I think, in the first place, I had loaned him a dollar before, and then gave him five dollars. He asked me for a little change; that was all.

Q. What did he say about having or not having money?—A. He said he had not any money.

Cross examined by Mr. WILLIAMS:

Q. You were a witness before the legislative investigating committee, were you not?—A. I think I was.

Q. A question was there asked you, "State whether you have heard any member of the house say that he had received or been promised any money for his vote for United States Senator at the late election." To which you are reported to have answered, "No, sir; I have not." Did you make that answer to that question?—A. I make it now.

Q. And you made it at that time?—A. I think I did.

Q. The question was asked, "Do you know of any money or thing of value being promised to secure or influence any vote or votes for United States Senator to any member of the present house of representatives?" to which the answer reported is "I do not."—A. I say I did not.

By Mr. RIGGS:

Q. You mean not to your personal knowledge?—A. Not to my personal knowledge.

The CHAIRMAN. We have exhausted the list of witnesses for the memorialists so far as they have been in attendance. We will now proceed with the examination of witnesses on the part of the respondent in the order in which counsel may prefer to put them on the stand.

ARTHUR A. HURD, a witness called by the respondent, sworn and examined.

By Mr. EVEREST:

Question. Where do you now reside?—Answer. In Topeka, Kansas.

Q. Were you formerly a resident of Barton County, in this State?—A. I was.

Q. Do you know Mr. Brinkman, who was a member of the legislature from that county last winter?—A. I do.

Q. Is it the Mr. Brinkman who was here to-day as a witness?—A. I saw him in the room to-day.

Q. What is his name?—A. G. L. Brinkham.

Q. What district did he represent in the legislature from Barton County?—A. I do not remember the number of the district. He represented Barton County.

Q. Were you at that time a resident of Barton County?—A. I was.

Q. What was your politics?—A. Republican.

Q. What was Mr. Brinkman's political faith?—A. Democratic.

Q. Did you support Mr. Brinkman during his canvass?—A. I did.

Q. Was it generally known among the people of his district that he was a Democrat?—A. It was; he ran on the Democratic ticket nominated by the Democracy.

Q. What party was in the majority there?—A. The Republican party had about 500 majority in the county.

Q. Do you know what Mr. Brinkman's majority in that district was?—A. I think it was 165.

Q. What was the sentiment of the Republicans who voted for Mr. Brinkman as to their choice for United States Senator?—A. Almost unanimous in favor of John J. Ingalls.

Q. Did Mr. Brinkman know that?—A. Yes, sir.

Q. State, if you know, what his promises were upon that point in the event of his election.—A. He stated publicly at a public meeting in the county that he should give a complimentary vote to whatever Democratic candidate was selected by his party, and that after that he would vote for John J. Ingalls. He also authorized me to state the same publicly for him at meetings where he was not present.

Q. Did you do so?—A. I did.

Q. You addressed meetings in the district, did you not?—A. At nearly every school-house in the county.

Q. Made speeches in his behalf?—A. I talked to them.

Q. You took a prominent part at that time in the election in that district?—A. I did all I could to elect Mr. Brinkman.

Q. Do you know Mr. Fry?—A. I do.

Q. State whether you had any conversation with him in reference to his preferences for the United States Senator.—A. I had.

Q. Whom did he wish to have elected?—A. John J. Ingalls.

Q. State if you had any conversation with him regarding Mr. Brink-

man's having recommended any one for a position in the Larned land-office.—A. I am not certain, but I think I did have.

Q. With Mr. Fry?—A. I am satisfied that he knew Mr. Brinkman had recommended Mr. Morris.

Q. Mr. Morris was the then officer, the register?—A. Yes, sir; I knew that Mr. Brinkman had recommended him, and I think Mr. Fry knew it, and I think I told him so.

Q. That was known at the time of his canvass there, was it not?—A. Yes, sir.

Q. Is it not a fact that all the representatives in the legislature from that land district were favorable to the reappointment of Mr. Morris?—A. I think all of them recommended it, as far as I know.

Q. And also the senators from that district?—A. A. I think so. I am not certain as to General Taylor; but I think he favored him.

Cross-examined by Mr. WEBB:

Q. You speak about Mr. Fry; what is his first name?—A. Cyrus.

Q. He resides in your county?—A. Yes, sir.

Q. What part of the county?—A. The northwestern part.

Q. What township?—A. I do not remember the name of the township; up on Walnut Creek, near the west line.

Q. He was a Republican, too, was he not?—A. Yes, sir.

Q. Was the township in which he resided largely Republican?—A. I am not certain as to that.

Q. Do you not know that through his personal influence and work some fifty votes at least were changed from the Republican nominee to Mr. Brinkman for representative?—A. I do not know what his personal influence was there. I know that he was working for Mr. Brinkman. The result of that work I do not know anything about.

Q. Do you not know that his township was largely Republican?—A. I do not know what the political complexion of his township was.

Q. Did it not go largely for Brinkman for representative?—A. I think it did.

Q. Did it not give the county officers voted for at the same election on the Republican ticket a large majority?—A. There were two other Democrats elected at that election besides Mr. Brinkman, I believe.

Q. I am not talking about elections. You are a lawyer. I asked you about the vote of that township?—A. You asked me in regard to county officers.

Q. I asked you in regard to the votes the county officers received in the township in which Mr. Fry lived.—A. I do not remember the votes polled there, nor whom they were polled for.

Q. Do you not recollect the fact that his township gave a majority for Brinkman?—A. I think it did.

Q. Do you not remember the fact that his township gave a majority for the Republican county officers?—A. I do not think it did, with one exception, though I am not certain. I think it gave a majority for one Republican county officer, and I think that was all.

Q. Do you know the representative from Pawnee County, Mr. Davis H. Waite?—A. Yes, sir.

Q. Do you not know that he opposed Mr. Morris?—A. I do not know he did.

Q. And that he did not recommend Mr. Morris?—A. I do not think Mr. Waite recommended Mr. Morris; but I am not certain.

Q. Do you know personally whether the other representatives from the senatorial district recommended Mr. Morris?—A. I think that Mr. Wiley from Edwards County did; and I think Mr. Wright did.

Q. I am not now asking you what you think, but what you know. Do you know of your personal knowledge that any representative other than Mr. Brinkman recommended Mr. Morris?—A. I do not. I do not know it of Mr. Brinkman from my personal knowledge.

ISAAC SHARP, a witness, called by the respondent, affirmed and examined.

By Mr. PECK :

Question. Where do you reside?—Answer. At Council Grove, Morris County, in this State.

Q. How long have you been a resident of this State?—A. I have been a resident of it since 1857 or 1858.

Q. You are pretty well acquainted in this State?—A. Yes, sir; portions of it.

Q. Were you present in the city of Topeka at the recent Senatorial election last winter?—A. I was most of the time.

How long were you here?—A. I came on the Friday preceding the election, and left for home the day after the election; I was here, I think, nine days, or eight days and a half.

Q. Are you acquainted with a gentleman by the name of James A. Hossack, who was a member of the last legislature of this State?—A. I had no intimate personal acquaintance with him; he was pointed out to me; I do not believe that I was introduced to him even.

Q. But you knew him by sight while you were here at that time?—A. Yes, sir.

Q. Do you know a gentleman by the name of Frank Playter?—A. I met him also for the first time that I recollect of on that occasion.

Q. Do you know him by sight?—A. I did at the time.

Q. Do you know a gentleman by the name of E. H. Brown?—A. I believe those were his initials; I knew a gentleman by the name of Brown who was in company with Mr. Hossack and Mr. Playter.

Q. Did you see him frequently in the company of Mr. Playter—did you see them around together?—A. I saw them together on two or three occasions.

Q. Do you remember seeing all three of them together at any time?—A. Yes, sir.

Q. Where was it?—A. In the opera-house.

Q. In the city of Topeka?—A. In Topeka.

Q. State what time in the day it was.—A. It was about half-past seven o'clock in the evening when I first saw them.

Q. What was going on in the opera-house on that evening?—A. There was an entertainment by some traveling troupe; I do not know who now.

Q. A theatrical entertainment?—A. A theatrical entertainment.

Q. Where were those gentlemen, Mr. Playter, Mr. Hossack, and Mr. Brown?—A. There are three tiers of seats in that building; two aisles; they run east and west; they were on the north tier of those seats next to the north side of the building, and perhaps four or five rows of seats back from the stage, about the middle of the tier of seats.

Q. In what part of the house was your seat?—A. My seat was in the rear; I took a back seat.

Q. You may state whether anything, in the conduct or actions of the three gentlemen I have named, attracted your attention or the attention of other people in the house.—A. Well, sir, it did.

Q. I neglected to ask you to state whether you remember if they

were in the house when you came in, or came in after you did.—A. They were in the house occupying the seats I saw them in when I came in.

Q. When you came in you passed by them?—A. I passed in front of them and then to the side of them.

Q. Now you may state what there was in their manner or conduct that attracted your attention, and state whether it attracted the attention of the audience—of other people there.—A. Just as soon as I got into the door they recognized me; I think it was Mr. Playter who called for me and beckoned with his hands for me to go to them. They were very funny and very jolly and in good humor; good "spirits;" were laughing.

Q. (By Mr. WEBB.) Whisky?—A. I think I recognized a familiar scent.

Q. (By Mr. PECK.) You are acquainted with the smell?—A. Yes, sir; I have been there at times; I know Kentucky wine when I smell it.

Q. Now you may go on and state without being particularly interrogated.—A. They beckoned for me and called me by name. When I got up in front of them, between where they were and the stage, they asked me to come in and take a seat alongside of them. I got opposite to the row of seats on which they were sitting in the aisle. I stepped in. There was perhaps not to exceed a hundred people in the theater at that time; perhaps not so many. The curtain had not risen yet. They wanted me to sit alongside of them. Mr. Brown was on the north side, Mr. Hossack in the middle, and Mr. Playter on the south side of the three sitting in a row. I excused myself for two reasons, and stated to them first that those seats that were around where they were sitting were all taken and occupied or were reserved seats. I told them I had no ticket for a reserved seat; I had to go back among the cheap fellows, and I wanted to go back early so as to get my choice of seats there, to get the best I could in the rear of the building. They told me "We'll not occupy them long; we'll go out after a while and get something." I told them I would be very much pleased to join them, but I would go back and hunt a seat. I went back and got a seat. They were still jubilant and merry, laughing, and attracted my attention and the attention of most of the people; in fact it was all the attraction; it was not the show at that time, but those three distinguished individuals that attracted attention.

Q. The curtain had not risen?—A. The curtain had not risen at that time. After the curtain rose, and they were perhaps half through the first act, the three gentlemen got up and went out, still occupying the relative position to each other that they did, with Mr. Hossack's both arms over the shoulders of the other two, and they with their arms about his waist taking him out. When they got up it created quite a merriment and laughter in the audience because Mr. Hossack made demonstrations of throwing up—vomiting. Whether he succeeded in that or not I do not know; I was in the rear and could not see; but I know that we thought he had a very large hiccough, and a good many remarked about it.

Q. What time was that, about?—A. That, perhaps, might have been something after eight o'clock. I think the curtain rose at eight o'clock, and it was up, it may have been fifteen minutes at that time, perhaps longer.

Q. Did they walk clear out?—A. They walked clear out and went out of the building altogether, as far as I know.

Q. Was that the last you saw of them?—A. It was the last I saw of all three of them that night.

Q. Right here you may state what night that was.—A. That was the Monday night preceding the election of Senator.

Q. You say you did not see all three of them again that night. Did you see any of the three men that night?—A. Yes, sir.

Q. Whom did you see?—A. Mr. Playter.

Q. When did you see Mr. Playter?—A. It was towards the close of the play in the theater. I think they were in about the last act of whatever play they were playing. He came in by himself and came back to me. Where I was there was a chair alongside of me that was unoccupied, and he took it and sat there with me.

Q. State what condition he was in, and what he said.—A. He seemed to be straight, sober, sensible; had his senses as well as I ever saw him. He then said to me, "You ought to have gone along; we had fun. Why in hell ain't you at the Democratic caucus to-night?" Well, I told him that I had left politics and was now dabbling a little in religion—I think that was the remark I made—and was taking in the moral part of the show. I think that was about the remark I made to him rather facetiously. I asked him, "Why ain't you at the Republican caucus to-night?" Said he, "By God, our business was to keep a man away from there to-night." Said I, "Who?" Said he, "Did you not see we had Hossack? We have had him staving blind drunk since five o'clock to-night. Brown and I were to keep him out of the caucus, and we took him out and got another drink into him after we got him out, and got him to bed. Brown is now with him and has him in bed." He did not say that Brown was in bed. Said he, "The prettiest part of it was we have got Ingalls's goose cooked to-night." That I believe is about all the conversation that I recollect or that I had with Mr. Playter that night in regard to the Senatorial fight.

Q. He said, "We have got Ingalls's goose cooked to-night"?—A. I think that was the exact phrase.

Cross-examined by Mr. WEBB:

Q. As you had quit dabbling in politics and had taken up moral entertainments, I ask if you know whether there was any other theater that week?—A. Yes, sir; I saw the bills. I think I took one in. I think I took one in the very next night.

Q. That was Tuesday night?—A. That was Tuesday night.

Q. How was it on Wednesday night?—A. Well, the thing began to get a little warm. I think I did not go any more until Thursday night. I went on Thursday night again, but Wednesday night I was not there.

Q. Did you not transfer your devotions from moral to political places again and attend the Democratic caucus at Martin's office on Wednesday night?—A. No, sir.

Q. How was it on Friday night? You again went to the moral entertainment at the opera house on Thursday night; how was it on Friday night?—A. Friday night, I believe, I was taking in some oysters at Poppendick's. I think that was the night of the anti-Ingalls caucus in the capitol.

Q. Did you see Mr. Hossack on Friday night?—A. No, sir; not that I recollect.

Q. You do not know then whether he was hilarious, jubilant, and had Democratic appearances that night or not?—A. I do not know.

Q. You say that you were at the theater Monday night, Tuesday night, and Thursday night?—A. That is my recollection.

Q. Are you certain it was Monday night and not Thursday night that

you saw Mr. Hossack at the opera house?—A. Yes, sir; I am certain of that from the fact that that was the night of general party caucusing. The Republicans had a caucus as a Republican party that night, and all the caucuses that they had subsequent thereto were not strictly party caucuses, but they were faction caucuses of the friends of particular men. That was the night of the Republican caucus and also the night set for the Democratic caucus at the office of Mr. Martin, which I did not attend.

JAMES R. HALLOWELL, a witness called by the respondent, sworn and examined :

By Mr. EVEREST :

Question. Where do you reside?—Answer. My home is really in Columbus, Cherokee County, Kansas; I am making my headquarters at this time in Topeka.

Q. Was you a member of the legislature of Kansas last winter?—A. I was a member of the State senate.

Q. Do you know Mr. James A. Hossack, who was a member of the house?—A. I have been acquainted with him since some time in October last.

Q. Do you know what district he represented or what county?—A. Crawford County. My memory is that his district is the 39th. It is the lower district in Crawford County, and that is the 39th. The three districts in my county are the 40th, the 41st, and 42d, I believe.

Q. Do you know whom Mr. Hossack preferred for United States Senator before his election and after his election and during the Senatorial contest? If you do, state what you know about it and how you gained such knowledge.—A. I know what Mr. Hassock stated to me in several conversations. My first conversation with him, and, in fact, my first acquaintance, was during the month of October, 1873, and my memory is that it was the first week in October. I was invited to Girard, the county town of Crawford, to make a speech, and while there I was introduced to Mr. Hossack by a man by the name of Houghton, an old friend of mine, who formerly resided in Cherokee County. We walked out the three of us together to have a conversation. I was looking after Senator Ingalls's interest to a certain extent. My object was to obtain from Mr. Hossack some information as to how he would stand on the Senatorial matter. I asked him the question directly if he was successful in being elected whom he would support for United States Senator, and he told me that his preference was Mr. Ingalls; that he should support him if he was elected. He said that he did not care to have anything said about it from the fact that there was considerable Anthony support down there, and he did not want to be importuned on that question during the campaign.

Q. This was before his election?—A. It was before the election.

Q. The election occurred in November?—A. Yes, sir; on the 6th of November, I think, the Tuesday succeeding the first Monday.

Q. State what other conversation you had with him regarding his preferences for United States Senator?—A. On the 10th of January, I think it was, I was on my way to Topeka for the purpose of meeting the legislature; came up on a freight train in order to make connection with the night train at Fort Scott, and when we arrived at Girard Mr. Hossack and Mr. Majors came on board the train—no; I will not be positive that Mr. Majors was on board, but my memory is that he got on board the train there. A short time after we started out from Gi-

rard I sought a conversation with Mr. Hossack on this same subject and had considerable conversation in regard to it. I told him about what I considered the strength of Mr. Ingalls, and so on, and asked him if he had changed his mind, reminding him of the conversation we had had before the election, and he said he had not, that he intended to support Mr. Ingalls, and then made the remark to me that he did not want anything said about it at that time; that he thought by a little maneuvering, or, using his own language, as I now remember it, that if he was a little offish, he thought he could corral or get Mr. Majors to vote for Mr. Ingalls.

Q. What political party did Mr. Majors belong to at that time?—A. I understood that he belonged to the combination of Democrats and Greenbackers, that he was elected upon that ticket in the northern district of that county.

Q. Did you have any conversation with Mr. Hossack after he came here?—A. I did. I had several conversations with him after he came here, in fact every day nearly along. He was regarded by Mr. Ingalls's friends as being an Ingalls man from the start, and I say that several times I had conversations with him in which I suggested certain things that we ought to do about seeing certain parties, and so on, and talking up Ingalls's interest. Well, I might say we had conversations every day while we were here up to the time of the election.

Q. Then I understand you to state that you, as a friend of Mr. Ingalls, and also the other friends of Mr. Ingalls, knew of his preference before he came here?—A. Certainly. I imparted the information that I had obtained from Mr. Hossack to Mr. Ingalls the first time I met him. I am not certain but what I wrote him a note.

Q. And you communicated it to other friends of Mr. Ingalls?—A. Yes, sir.

Q. He was regarded, then, through that contest by the friends of Mr. Ingalls as being a strong supporter of his, was he not?—A. Yes, sir; an earnest supporter.

Q. Did the friends of Mr. Ingalls hold any caucuses the week before the election?—A. Yes, sir. It may not have been just exactly a week, but it was during the week before the election.

Q. Did or did not Mr. Hossack attend those caucuses?—A. My memory of our meetings and in regard to Mr. Hossack is about this; I think Mr. Ingalls arrived here on Tuesday, that is the Tuesday a week before the first ballot was taken in the separate houses, or it may have been Wednesday, but my memory is that it was Tuesday; and the night after Mr. Ingalls arrived we held what we called an Ingalls caucus, a private caucus, in Mayor Case's office. Mr. Hossack came to me just before we were starting down the night that caucus was held, and said he could not be present that night, but he authorized me particularly to vouch for him and his loyalty to Mr. Ingalls in the fight, that we could count him in that caucus. I am satisfied that he was present at the next caucus we held, which was the next evening, and my memory is that he was present at all of our private caucuses that we held right along.

Q. State, if you know, whether at the time you saw Mr. Hossack in Crawford County before the election he had had any personal interview with Mr. Ingalls or not.—A. I do not think he had, although of my own personal knowledge I do not know. My memory is that he told me he never had met Mr. Ingalls personally.

Q. Did you not introduce him to Mr. Ingalls yourself after his arrival here at Topeka?—A. I cannot say positively as to that. I may

have introduced him to Mr. Ingalls, and it is very probable that I did. I introduced a great many persons to Mr. Ingalls, members of the legislature that had never met him and who asked me to introduce them. I may have introduced Mr. Hossack.

Q. You say you conveyed the intelligence to Mr. Ingalls by letter and also personally that Mr. Hossack was a supporter of his?—A. That we could count on him in making up our list as to where the strength would come from that we could count on.

Q. And he was taken into your private caucuses right along as a friend and supporter of Mr. Ingalls?—A. Yes, sir.

Q. Were you present in room 21 at the Tefft House when J. S. Merritt loaned or handed Mr. Hossack \$200?—A. I may have been in room 21 at that time. I was in the room several times when Mr. Hossack was present, and Mr. Merritt and Mr. Wilson and others of us were present in the room. I remember one evening—and as to just what time in the evening it was I am unable to say; I know I was pretty tired and was lying down on the bed—that Mr. Merritt, Mr. Wilson, and Mr. Hossack were all sitting upon the side of the bed talking—the same bed, sitting on the edge of the same bed that I was lying upon, and whether that was the evening that it is claimed he received \$200 of Mr. Merritt or not, I do not know. They were having considerable conversation, and all seemed to be perfectly friendly and talking about our chance of success in electing Mr. Ingalls and pushing the matter along.

Q. State whether Mr. Hossack cast his first vote for Governor Anthony.—A. That is my memory.

Q. Did you have any conversation with him about that?—A. I did.

Q. State what it was.—A. Mr. Hossack came to me and said he did not want us to think anything strange in regard to it, that Playter was here urging him to vote for Anthony, and that he could satisfy Playter to a certain extent by casting his first vote in that way, but he would come to Ingalls whenever we desired he should do it, on the second ballot the next day if there was one. We had considerable conversation in regard to it.

Q. The first ballot that he cast was for Mr. Ingalls?—A. I think it was in the separate houses, and the next day in the joint convention, my memory is that he voted for Mr. Anthony, and that was the time we had the conversation.

Q. And after that he voted all the time for Senator Ingalls?—A. Yes, sir.

Q. And the first vote he gave in the houses separately was for Mr. Ingalls?—A. That is my memory.

Cross-examined by Mr. WEBB :

Q. Your first meeting with Mr. Hossack was about the fore part of October at Girard?—A. That is my recollection; I do not remember just the date; it was the time I made my speech there.

Q. Was it or not before you went to Atchison?—A. I was at Atchison three times, I think, last fall.

Q. What were the three times?—A. I do not know that I can fix the exact dates. I think my first visit to Atchison was some time in September. That is my memory.

Q. Did you see Mr. Ingalls there?—A. Yes, sir.

Q. Were you at Atchison more than once?—A. I have said that I think I was at Atchison three times during the fall.

Q. Did you see Mr. Ingalls at each visit?—A. I met Mr. Ingalls on two of the visits and one visit I did not get to see him.

Q. Did you meet Mr. Ingalls at Atchison on your first visit?—A. Yes, sir.

Q. Take the months of May, June, July, and August; I ask you to whom you were friendly for United States Senator at that time?—A. I was friendly to Mr. Ingalls.

Q. Were you not a friend and supporter of Major Simpson?—A. I have always been a friend of Major Simpson, and in a certain contingency intended to support him. I have had a thorough and distinct understanding with him.

Q. Was not Major Simpson your first choice for United States Senator until you went to Atchison?—A. No, sir.

Q. Were you not converted from a Simpson man to an Ingalls man when you first went to Atchison?—A. No, sir.

Q. Upon your first visit to Atchison was not George R. Peck United States district attorney of this State?—A. He was.

Q. Are you not now the United States district attorney?—A. I am.

Q. Did not Captain Peck resign that office, and were you not appointed to fill the vacancy?—A. I think the record in Washington shows that to be a fact. I understand it to be a fact.

Q. Did you see Major Simpson during May, June, July, or August of last year?—A. I do not think I met Major Simpson in May, though I may have met him the latter part of May, but my memory is that I did not meet him until some time in June, 1878, to have the first talk.

Q. Did you not give Major Simpson to understand distinctly that you were his friend and supporter, and that he was your first choice for Senator?—A. No, sir.

Q. I put the question to you again: Were you not known to Major Simpson and his friends as the friend and supporter of Major Simpson as against Senator Ingalls until you went to Atchison the first time that fall?—A. My answer is that by nothing did I ever convey to them that I would support Major Simpson in preference to Senator Ingalls. I want to say in explanation—

Q. It does not need any explanation; the answer is sufficient.—A. I claim it as my right. I want to say in explanation that I have always been Major Simpson's friend, and there was an understanding between Major Simpson and me that in certain contingencies, if Mr. Ingalls could not make the race, I would support him as second choice and do all I could for his election.

Q. At your first interview with Mr. Hossack in Girard, you say that Mr. Houghton and yourself and Mr. Hossack walked out for a little private talk?—A. We did.

Q. You were then the friend of Mr. Ingalls?—A. I was.

Q. You were then inquiring particularly if Mr. Hossack, who was a candidate of the legislature, was friendly to Mr. Ingalls?—A. I was.

Q. He told you he was a friend of Mr. Ingalls, but did not want it publicly known?—A. Yes, sir.

Q. He did not want it talked about?—A. Yes.

Q. You say that you saw him again about the 10th of January?—A. I think it was on the evening of the 10th of January.

Q. You say that then after leaving Girard you very soon got into conversation with him and asked him whether he had changed his mind?—A. I did.

Q. And then he again assured you that he was friendly to Senator Ingalls, but did not want it talked about.—A. Yes; and gave as his reason—

Q. Never mind the reason. You say the fact is that he did not want it talked about?—A. Yes; he stated that.

Q. Do you know Mr. P. I. B. Ping, of Girard?—A. I do.

Q. He was a member of the State senate last winter?—A. Yes, sir.

Q. Did not Mr. Ping tell you before you went to Atchison first that he had seen Senator Ingalls at Neosho Falls, and that Senator Ingalls had requested him or told him he wanted to see you and wanted to have an interview with you?—A. I think not.

Q. You remember whether it was so or not?—A. Well, he never did.

Q. Do you know William Higgins?—A. I do.

Q. Did not Mr. William Higgins write you a letter telling you that he had seen Mr. Ingalls and that Mr. Ingalls wanted to see you?—A. He may have written me such a letter.

Q. Did you not receive such a letter from him?—A. I will not say positively, because I do not remember. I was in constant correspondence with Mr. Higgins at that time, and had been for years. Letters frequently passed between us.

Q. You say that you assured Senator Ingalls by authority of Mr. Hossack that he, Hossack, was one of Ingalls's friends and supporters after you came here to Topeka?—A. I did.

Q. You say that while here Mr. Hossack told you that you must not be surprised if he voted for Anthony?—A. He did.

Q. Did he not tell you here again also that, although he was an Ingalls man, he was a little offish about it?—A. He did not.

Q. What was the term?—A. "Offish" was the term he used on the train to see if he could not get Mr. Majors' vote for Ingalls.

Q. He did not want you to let Mr. Majors and others know that he was in fact an Ingalls man?—A. I do not know anything about what he wanted except what he said.

Q. I have reference to what he said to you.—A. I have stated just what he said.

Q. You did not tell Mr. Majors that his colleague, Mr. Hossack, was an Ingalls man, did you?—A. I did not. I do not know that I ever had a Senatorial talk with Mr. Majors. I do not remember that I had, though I may have had.

Q. One of the counsel, I believe, or it was Mr. Merritt through the counsel, asked you the question whether you were lying upon the same bed upon which Mr. Merritt and Mr. Hossack and Mr. Wilson were sitting, or whether you were not lying on the opposite bed. What was your answer?—A. I was lying upon the same bed, about the middle of the bed.

Q. Did you not hear Mr. Lanter's testimony?—A. I did not. I was not in the room when he was examined.

Q. Then you do not know that Mr. Lanter testified that you were on the opposite bed?—A. My memory is that this is the same statement I made before the legislative committee. That was my memory of it then, and it is my memory now.

ALEXANDER P. RIDDLE, a witness called by the respondent, sworn and examined.

By Mr. PECK:

Question. Where do you reside?—Answer. At Girard, Crawford County.

Q. What is your business?—A. I am publisher of a newspaper there.

Q. What is the name of it?—A. The Girard Press and Times, \$1.50 a year.

Q. How long have you been the publisher of the Girard Press ?—A. I have been one of the publishers of that paper for seven years.

Q. Are you well acquainted in Crawford County ?—A. Very well acquainted.

Q. Your paper is a Republican paper, I believe ?—A. It is.

Q. Do you know James S. Hossack ?—A. I do.

Q. Did you know Mr. Hossack before his election to the legislature last fall ?—A. For about one year previous to his election.

Q. In what part of the county did he live ?—A. He lived in Washington Township, east of the county seat, about seven or eight miles, I believe.

Q. Your paper is published at the county-seat, I think ?—A. It is.

Q. About the central portion of the county ?—A. Exactly.

Q. On the line of the Missouri River, Fort Scott and Gulf Railroad ?—A. Yes, sir.

Q. You were present at the Senatorial election in Topeka last winter ?—A. I was.

Q. Did you hold any official position ?—A. I was journal clerk of the senate.

Q. State what person was your choice for United States Senator.—A. My preferences were for George T. Anthony.

Q. Did you endeavor to convince members of the legislature, so far as you were able to do so, that they should support Governor Anthony ?—A. Those with whom I thought I had influence I tried to influence in his favor.

Q. State whether, prior to the election of members of the house in November, there had been considerable discussion as to the claims and qualifications of the rival candidates for the office of United States Senator.—A. Not in the political canvass ; there was nothing said, or very little said of it there. There was among leading Republicans in the county considerable conversation on that subject.

Q. What names were most frequently mentioned in your county as candidates ?—A. George T. Anthony and John J. Ingalls.

Q. Your preference then, as well as during the Senatorial election, were for Governor Anthony ?—A. My first preference was for Governor Anthony.

Q. Did you during the canvass endeavor to ascertain the preferences of the gentlemen who were candidates for the legislature in your county ?—A. Previous to the nominations I tried to ascertain what the position of the candidates would be if nominated.

Q. You desired to know how they would stand ?—A. I did. I wanted to secure the nomination of such men as would be favorable to my candidate for Senator.

Q. Did you know how Mr. Hossack stood on the Senatorial question ?—A. I thought I did. He told me previous to his nomination that he would be favorable to George T. Anthony.

Q. He knew that you were for George T. Anthony ?—A. About everybody did there.

Q. You advocated his election in your paper ?—A. No, sir ; not in the paper.

Q. But you did outside of the paper ?—A. Yes, sir.

Q. After Mr. Hossack's nomination did you hear any rumors that Mr. Hossack was favorable to any other candidate than Governor Anthony ? And, if so, state who that candidate was.—A. Shortly after his nomination I was told by other parties that I was not sure of my man, that Mr. Hossack would be favorable to Mr. Ingalls.

Q. Upon that suggestion what did you do?—A. I went to see him about it, and asked him about it. He did not commit himself particularly as to how he would vote. I tried to get him to commit himself again, as he had before, for Mr. Anthony, but he evaded doing so.

Q. You tried at that time to get him to commit himself to Governor Anthony?—A. To again commit himself.

Q. He knew you were the publisher of the leading Republican paper of your county?—A. He did.

Q. And knew that you and your partner, whose name is Wasser, were strong advocates of Governor Anthony, did he not?—A. He did.

Q. And yet he refused to commit himself to Governor Anthony at your request?—A. He scarcely refused to do so at that time; he evaded it.

Q. He did not do it?—A. He told me that he thought it would be better if we would let the matter alone now, as it would complicate the canvass and probably defeat his election.

Q. He would not pledge himself for Governor Anthony?—A. He would not.

Q. He thought it might defeat his election if he did?—A. A pledge to any candidate, he said, might defeat his election. I had frequent conversation with him on the subject, both before and after the election, and he seemed to be rather wavering in the matter, telling me at one time one thing and friends another thing. I was fully convinced previous to his coming here—at least he told me that he did not know but what he might have to do something else as to his vote.

Q. Did you talk with him after he came up here?—A. I did. I did not see him until several days after he arrived here.

Q. Did you talk to him then about voting for Governor Anthony or Senator Ingalls?—A. I did, several days after his arrival here, have another conversation with him on the matter. The subject was led up to by some one telling me he had committed himself to Mr. Ingalls. I had a conversation with him on the subject, and he said he had met Mr. Ingalls, and, to use his own language, he thought Mr. Ingalls was a "bully boy," and he did not know but that he would have to do something for him.

Q. Did you in that conversation, or in any other conversation that you had with him, endeavor to impress on his mind that certain leading Republicans in Crawford County, naming them, desired him to vote for Governor Anthony?—A. I did.

Q. What did he say?—A. He said he thought there were fully as many on the other side of the question, that the others had told him it was their desire he should vote for Mr. Ingalls.

Q. Did he state that he had telegrams and letters from his constituents?—A. Not at that time, but later on he did. There was a number of telegrams sent him at my instance telling him to stand firm by Anthony. I called his attention to the fact, and he said yes, he knew how they were sent, and he had telegrams from the other side; that he could get a bushel of them if he wanted them.

Q. Do you know Frank Playter?—A. I do.

Q. Where does he live?—A. In Girard; a banker there.

Q. That is also the place where you reside?—A. Yes, sir.

Q. Do you know E. H. Brown?—A. I do.

Q. Where does he live?—A. I do not know where he lives now. He did live in Girard, and I think his family is there yet. That is his residence, I suppose.

Q. Did you see those gentlemen, or either of them, at Topeka during the Senatorial contest?—A. I saw them frequently.

Q. Both of them?—A. Both of them.

Q. Did you at any time see them in company with Mr. Hossack?—A. I saw them in company with Mr. Hossack twice or three times, I believe. It may have been oftener, but I did not charge my memory with these things.

Q. Do you remember seeing them in company with Mr. Hossack at the theater in this city at any time?—A. I did. I met them the same evening previous to going to the theater, and afterwards saw them at the theater. They were there as I went in. I think it was before I went to supper I saw them first.

Q. Where were they?—A. At that time they were, I think, standing in front of the Capitol saloon, and afterward went in.

Q. Do you know what they did in there?—A. Yes, sir.

Q. What did they do?—A. They took a smile.

Q. Do you mean by taking a smile that they took a drink of whisky?—A. I think it was whisky. I judged by the color and smell.

Q. Did all three of them drink?—A. I believe they did; it is not customary for any of them to decline.

Q. After that where did you see them?—A. I saw them next, I believe, at the theater.

Q. What night of the week was that?—A. It was on Monday night, I believe.

Q. Prior to the election?—A. Prior to the election of Senator.

Q. Did you notice their conduct in the theater?—A. I did.

Q. State what it was.—A. I thought they had been drinking too much; at least two of the party. I do not mean to say that I thought Mr. Playter was so, but Mr. Hossack and Mr. Brown evidently had been drinking considerable. Mr. Brown is a man who can hold a good deal, though.

Q. Do you know whether they went out of the theater that night before it closed?—A. I know that they went out, though I did not see them go out. I was told of it, and missed them by looking for them afterwards.

Q. Did you see them again that night?—A. I did not; I saw Playter afterwards that night.

Q. You did not see any more of Mr. Hossack that night?—A. I did not.

Q. Where did you see Mr. Playter again that evening?—A. I saw him as he came into the theater.

Q. You saw him return to the theater alone?—A. I did, and I walked out of the theater with him, I believe, and I talked with him a little while after passing out of the theater. I had a short conversation with him shortly after that.

Q. Do you remember seeing either of those gentlemen again after that that night?—A. Not again that night.

Q. After that night and prior to the election?—A. I believe I saw them every day during their remaining here. I saw them at the State-house and at the hotel. I saw about everybody there.

Q. I neglected to ask you what Mr. Playter's condition was when he returned to the theater on Monday night alone and when you went out with him?—A. I did not notice anything particularly wrong with Mr. Playter; he was friendly as usual.

Q. As sober as usual?—A. I never saw him in any other condition than sober.

Q. He does not get drunk?—A. I never saw him drunk in my life.

Q. Did you see Mr. Hossack and Mr. Playter and Mr. Brown together at any other time after Monday night?—A. I saw the three together.

Q. When was that?—A. I think it was on Thursday night. I am not positive about its being on Thursday night, but I afterwards gathered that it was on Thursday night by referring to dates in the newspapers at times I knew I was with them, and concluded from that it was Thursday night I saw them.

Q. Where were they?—A. At that time I believe I met them with Mr. Majors at a restaurant some distance above the Capitol saloon. I do not know just where it is.

Q. Did you see any drinking that night by these parties or either of them?—A. I did not see them drinking that night.

Q. State what condition Mr. Hossack was in.—A. Mr. Hossack was, as usual about that time, a little full.

Q. By the term "full" do you mean that he was drunk?—A. I mean by that that he was considerably under the influence of liquor; his face was very much flushed, and he was inclined to talk loosely; that was on Thursday night.

Q. What condition was Mr. Brown in?—A. Brown was all right, I guess.

Q. How was Playter?—A. Playter was, as he always is, sober. To my knowledge I never saw him in any other condition; I have occasionally seen him drink a very little, but not much.

Q. That was on Thursday night preceding the election?—A. Yes, sir.

Q. What time in the night was it?—A. I think it was about half-past seven or eight o'clock.

Q. In what condition was Mr. Majors?—A. Mr. Majors was sober, I believe, at that time.

Cross-examined by Mr. WEBB:

Q. Who was it that first informed you that you were not sure of your man, referring to Hossack, after his nomination for the legislature?—A. I am not certain, but I think it was Mr. Tontz, or some one with whom we frequently consult.

Q. Do you remember the occasion of Mr. Hallowell being at Girard to make a speech?—A. I recollect his being there.

Q. Did Mr. Tontz inform you that you were not sure of your man before Hallowell's advent at Girard, or afterwards?—A. I am not certain as to the time of the information; I do not recollect the time of Mr. Hallowell's being there; I know that he was there, and recollect seeing him there, and recollect his making a speech, but I do not remember the date of it.

Q. Did Mr. Hossack tell you at any time before he voted for Senator Ingalls that he would vote for him?—A. He did not tell me positively that he would, but that he thought he would, and gave me reasons why he should.

Q. You say he told you that he had had an interview with Senator Ingalls?—A. He said he had met Senator Ingalls; he did not say "interview"; he said he had got acquainted with him.

Q. He said he thought Senator Ingalls was a "bully boy," and thought he must do something for him?—A. Yes; he said that in reference to about all of them, for that matter.

Q. Did he tell you Senator Ingalls had offered him a thousand dollars for his vote?—A. No, sir; he did not.

Q. Counsel got you to say that you were pretty well acquainted with

the prominent Republicans of your county. I will ask you if you are one of the editors of your paper as well as one of the publishers?—A. I am.

Q. Was Mr. Hossack's vote for Mr. Ingalls as United States Senator a subject of comment and discussion by the Republicans of your county after that vote was given and after Mr. Hossack returned home?—A. I believe it was.

Q. Do you not know the fact that the county Republican central committee of your county addressed Mr. Hossack a letter after his return home, asking him to resign because of his corrupt conduct in the legislature?—A. No, sir; that is not the case.

Q. What was the fact? Did they not ask him to resign?—A. Yes, sir.

Q. Why did they ask him to resign?—A. Because they thought he did not act as a representative of the Republicans of Crawford County should.

Q. In what respect?—A. They did not name the respect.

Q. Do you not know as a matter of fact that the ground of complaint was that he had gone contrary to the wishes of his constituents, the Republicans of that county?—A. I do not know that as a matter of fact; I was not a member of the committee, and do not know what they used as argument for the matter, and they did not state.

Q. Was it not generally discussed and talked among the Republicans there that that was the ground of complaint?—A. There was a general discussion as to the ground of it; some charged that it was one thing, some another.

Q. What was charged?—A. Some held that he was asked to resign because he had sold his vote, others because he got drunk and disgraced the party by pretending to sell out.

Q. He did not resign?—A. No, he did not; those fellows generally hold on.

Q. Does he reside in Crawford County now?—A. He does not.

Q. Has he not removed from the county of Crawford and into the State of Missouri?—A. He has gone to the Pawpaw Jungles, I believe.

Q. And lives now in Joplin?—A. So it is said.

Q. You have given testimony concerning the condition of Mr. Hossack on Monday night of the week of the Senatorial election, and on Thursday night of that same week; now, I ask you if you have any knowledge of a paper signed by Mr. Hossack, in which he stated that Mr. Ingalls had agreed to pay him a thousand dollars for his vote?—A. I have no knowledge excepting what I have read; I did not hear it spoken of previous to that time.

Q. Previous to what time?—A. Previous to the vote. I did not hear it until the matter was brought out in the legislative investigation.

Q. You did not hear anything of the execution of any such paper as that previous to the final vote for Senator?—A. I did not.

Q. Did you hear previous to that from any person that Mr. Hossack had in fact sold his vote and was going to vote for Mr. Ingalls?—A. I did not hear that he had sold his vote, but I heard that he would vote for Mr. Ingalls. I heard that several days before the election. I think it was previous to the first vote I heard it.

Q. You say you knew Mr. Hossack about a year before his election to the legislature?—A. I did.

Q. At the time of his election and between that and the time the legislature was convened, can you state in regard to his financial condition, whether he had money to use or whether he was hard up?—A. I do not

know anything about his financial condition. He had but little financial business with me, and what he had he got along with all right.

Q. What time was it on Thursday, the night before the final vote was taken, that you saw Hossack, Playter, and Brown?—A. It was after supper, before I went to the theater.

Q. State whether you saw those parties at the theater that night.—A. No, I saw them that night previous to going to supper.

Q. Did you see them again that same night?—A. I did not to my recollection.

Q. Did you see Mr. Hossack on the day upon which the final ballot was taken?—A. I saw him that day passing into the joint convention and sitting there.

Q. Had you any conversation with him that day at any time or place?—A. I had not.

Q. How soon after that did you have any conversation with him?—A. I do not know; I think upon the following day, but possibly the same day.

Q. Did you see him every day thereafter, or nearly every day?—A. Nearly every day; I saw him frequently thereafter.

Q. Did you have any conversation with him?—A. Sometimes, almost always had some.

Q. Did you have any talk with him about his vote?—A. I did not.

Q. About how long after the final vote for Senator was it that you saw a public statement of this paper that it was said Mr. Playter had obtained from Mr. Hossack?—A. I think I first saw it when the testimony was published in the papers during the investigation.

Q. And not before?—A. I think not before.

Q. Had you heard of it before that time?—A. I had not.

Q. Then Mr. Hossack had not told you of that paper and of its being obtained from him, previous to your seeing it in print?—A. He had not.

Q. After you saw that in print did you have any conversation with Mr. Hossack about that paper?—A. I did not.

Re-examined by Mr. PECK:

Q. You have stated, I believe two or three times, that the first intimation you had that Mr. Hossack had sold his vote, or had been offered money for his vote, was when the proceedings of the investigating committee were published?—A. That was the first intimation I had of it.

Q. Mr. Playter is your neighbor in Girard?—A. He is.

Q. He was an Anthony man as well as yourself?—A. I am uncertain how Frank was. I thought he was for Anthony. That was my impression.

Q. If you had heard him testify that he was for Anthony you would say he was I presume?—A. Yes.

Q. Both he and Mr. Brown were for Governor Anthony?—A. I am not certain whether Mr. Brown was for him or not. I tried to find out what Mr. Playter and Mr. Brown were doing here. I was satisfied they must be here working for somebody, and I tried to find out, but could not find out that they were working for anybody.

Q. You saw Playter and Brown frequently?—A. I did.

Q. They never told you what they were here for?—A. At one time Mr. Brown said he was up on some railroad business.

Q. Did Mr. Playter tell you what he was here for?—A. He did not.

Q. Did either of those gentlemen come to you and tell you they had a paper in their possession that would defeat Senator Ingalls?—A. They did not.

Q. They knew that you were anxious to have Governor Anthony elected?—A. They did.

Q. They knew that you had a newspaper?—A. They did.

Q. You saw Mr. Playter both before the election of Senator Ingalls and after it?—A. I do not recollect that I saw him after it in Topeka. I saw him at home afterwards.

Q. You saw him frequently between the Monday night when you saw him at the theater and the election?—A. I did.

Q. And on no occasion did he tell you that he had any paper signed by Mr. Hossack that would do injury to Mr. Ingalls's prospects as a Senatorial candidate?—A. He never alluded to it.

Q. Did you see Mr. Playter after he returned to his home in Girard?—A. I did.

Q. Did he then tell you that he had a paper, or a copy of a paper, showing that Mr. Ingalls, or his friends, had been guilty of corruption, or an attempt at corruption?—A. I am not certain that I saw him before the paper was published. I know that he at no time said to me that he had such a paper.

Q. What was Mr. Frank Playter's financial condition about that time?—A. I am uncertain. It had not been long before that since the bank with which he was connected had failed, and it was supposed that he was in stranded or rather close circumstances, perhaps having means or loans at his command, but money rather scarce.

Q. His bank had closed?—A. The bank had closed previous to that time. It was reopened though immediately afterwards by other parties.

Q. Do you know whether he, as manager of that bank, had the funds of the county deposited with him prior to the bank's closing?—A. I believe he had.

Q. Do you know whether when his bank closed some of the county funds that were deposited with him were short—funds that should be paid into the State treasury?—A. I heard so though I did not know it of my own knowledge. I heard that was the condition, and the treasurer himself told me.

Q. Who was the treasurer?—A. W. B. Curtis.

Q. How much money did the county lose in the failure of that bank?—A. I do not think the county did lose money, but at that time there was some money of the county that was in the hands of the bank. I think it was ultimately recovered.

Q. Do you remember how much it was?—A. I do not know the amount. My impression is it was about six or seven thousand dollars.

Q. Do you remember that there was a pressure being made on him at that time to replace that money in some manner?—A. I do. I know that was the conversation among parties interested.

Q. They were bringing every means to bear upon him to have him get the money that belonged to the county?—A. I do not know that they were bringing every means to bear, but I know it was a matter of conversation between parties interested that they wanted to obtain the money from Frank Playter.

Q. You have testified in answer to a question by Judge Webb that the Republican county committee requested Mr. Hossack to resign. I ask you to state if he did not refuse to resign and announced himself as a candidate for State senator at the next election?—A. He did. But he was in Missouri at the time he wrote the letter, I believe. It was near about the time he went there.

Q. You were asked if Mr. Hossack's conduct as a member of the legislature was not the subject of considerable censure among the people

of his district and your county, and you stated that it was ?—A. That was not the question exactly. It was whether it was the subject of conversation and discussion. I said it was.

Q. Was not the conduct of Frank Playter and E. H. Brown the subject of as much if not more condemnation than the conduct of Mr. Hossack ?—A. They were all very freely discussed and freely criticized adversely.

Recross-examined by Mr. WEBB :

Q. Are you not mistaken as to the time Mr. Playter's bank suspended ? Was it not this spring, about the fore part of June, rather than last fall ?—A. I am not certain. It has closed so many times that I cannot keep track of it.

Q. You say the county did not lose anything by the suspension ?—A. I believe the county ultimately did not lose anything. I know that previous to the suspension and a long while afterwards there were funds which could not be obtained. That is to say, I did not know it of my own knowledge, but I have been so informed. It was a matter of conversation among those interested.

Q. Now, in regard to the paper that Mr. Playter obtained, you stated that upon Thursday night before supper, the Thursday night preceding the final vote was taken for United States Senator, you saw Mr. Hossack, Mr. Playter, Mr. Brown, and Mr. Majors together ?—A. Yes, sir.

Q. When next after that did you see Mr. Playter ?—A. I think it was on the day of the final vote, on Friday ; as I passed up the steps with Senator Ping, Mr. Playter stopped him on the top of the stone steps leading to the capitol. I believe that was the last time I saw him previous to the vote.

Q. Did you have any conversation with him then ?—A. I did.

Q. Who was in company with him at that time ?—A. I think he was standing by himself. Senator Ping and I came up. He spoke to Ping and stopped him and had a conversation with him.

Q. Was Hossack with him ?—A. I think not. I do not recollect about seeing him. I recollect the matter of Playter talking with Ping, because I was anxious to know the subject of their conversation and inquired of Ping.

Q. I wish you would fix the place where you saw Majors, Hossack, Playter, and Brown together on Thursday night ?—A. I think it was at an oyster saloon or restaurant some distance above the capitol liquor store. I believe that was the place. I think that Mr. Majors was present.

Q. Where is the capitol liquor store, for I confess I do not know ?—A. It is in the block between the Tefft House and the State house, I think it is next to what is now called the city building.

By Senator CAMERON :

Q. Did Mr. Playter or Mr. Brown, at any time during the Senatorial canvass, preceding the election, inform you for whom they were working for Senator, if for any one ; or did they inform you what their business in Topeka was ?—A. Neither of them told me whom they were working for for Senator. I tried to find out, but they evaded the question every time, Mr. Brown saying he was not here on political matters, but in the interest of a railroad. He is a railroad superintendent, or was at that time, in our town.

By Mr. PECK :

Q. What did Mr. Playter say was his business ?—A. He did not say.

Q. Did you try to find out ?—A. I did.

Q. Did he not say anything on that subject?—A. No; they always evaded the matter. I wanted to know whom they were working for for Senator. That was why I was inquiring; that was particularly the subject I inquired about, but I never found out.

Q. At that time had the deficiency in the county money been made good, or was it still hanging over Mr. Playter?—A. I do not know of my own knowledge. I think it had not been settled. I had not heard of its being made good.

By Senator CAMERON:

Q. Did the friends of Mr. Anthony, for Senator, have any private caucuses to promote his interests?—A. They had quite a number, I believe.

Q. Was Brown or Playter present at any of those?—A. They were not present at any place where I was with them. Brown told me of having been at those places, though, and Playter also. They told me of having been in all the reception rooms.

Q. Were you present at any of the Anthony caucuses yourself?—A. Not at a caucus.

Q. At a meeting of friends?—A. I have been there at meetings of the friends.

Q. When you were present, was either of these gentlemen present?—A. Neither of them was ever present when I was.

Mr. MARTIN. We have no other witness present that we can examine to-day.

The CHAIRMAN. The order of the committee was announced on Friday morning that they would proceed to call the witnesses and clear the docket.

Mr. EVEREST. We understand the order, and we have subpoenaed certain witnesses on the idea that the charges in the supplementary memorial would be gone into, but they have not been as yet. We cannot possibly examine witnesses on these charges until the memorialists have presented some testimony in regard to them.

The CHAIRMAN. The order made by the committee was made unanimously. We have executed it on the other side; and we must not show partiality.

Mr. EVEREST. We do not wish it.

Senator CAMERON. It is nearly six o'clock.

The CHAIRMAN. I think we ought to have a session this evening. Some twenty witnesses are here, and some of them have been here for four or five days. As chairman of this committee, to a certain extent responsible for its expenditures, I think we must go on. I am bound to see to it that there is due diligence in the examination of witnesses after this lapse of time.

Senator CAMERON. It is so near six o'clock that I move that the committee adjourn until Monday morning at ten o'clock.

The CHAIRMAN. I shall submit to the pleasure of the committee, but for myself I should prefer to sit from half-past seven to ten o'clock this evening.

Senator LOGAN. I should like to do so also, Mr. Chairman, but I am absolutely tired.

The CHAIRMAN. I think we might examine six or eight witnesses to-night.

Senator LOGAN. I will do anything the committee want, but I am very tired.

The CHAIRMAN. The chair will put the question on the motion that the committee adjourn until Monday morning—to what hour?

Senator CAMERON. I will change the hour, and say nine o'clock.

The motion was agreed to, and the committee adjourned until Monday next at 9 o'clock a. m.

MONDAY, *September 29, 1879.*

The committee met pursuant to adjournment, all the members being present, and also the counsel for the memorialists, and the respondent with his counsel.

JOHN M. HUTCHISON, a witness called by the memorialists, sworn and examined.

By Mr. WEBB:

Question. Were you a member of the legislature of the State of Kansas at its last session?—Answer. Yes, sir; I was.

Q. A member of the house of representatives?—A. Yes, sir.

Q. Representing the county of Jewell?—A. Yes, sir; the southern district of that county, the 109th district.

Q. Were you elected as a Republican?—A. I was elected as a Greenbacker.

Q. You may state who was your choice for United States Senator when the legislature convened.—A. I voted for Mr. Mitchell. He was my first choice.

Q. He was the Greenback candidate?—A. Yes, sir.

Q. For whom did you vote afterwards?—A. I voted for Mr. W. A. Phillips.

Q. For whom did you vote on the last ballot?—A. On the last ballot I voted for Mr. Horton.

Q. Do you know a gentleman residing in your county by the name of Heinecke, or something of that description?—A. Yes, sir.

Q. Is he the gentleman now sitting next to you?—A. That is the gentleman.

Q. What is his name?—A. James W. Heinecke, I think.

Q. Was Mr. Heinecke here in Topeka during the Senatorial contest last winter?—A. Yes, sir; he was.

Q. Do you know for whom or in whose interest he was working in the Senatorial contest?—A. First for Mr. Phillips, I think.

Q. After that?—A. After that, I think, he was working for Mr. Ingalls.

Q. Why do you think so?—A. He came to me and requested me to vote for Ingalls.

Q. When did he do that?—A. That was just before the vote that elected Mr. Ingalls came off, when I was going to the hall of the house of representatives, on the stairway.

Q. On Friday, the 31st of January?—A. Yes, sir; I think it was Friday.

Q. At what place did you say he asked you to vote for Ingalls?—A. It was when I was going up the stairs to the hall, at the main entrance to the hall of the house of representatives.

Q. State now the whole conversation that took place between yourself and Mr. Heinecke at that time, using the words that he used, so far as you can remember them, and the words that you used in reply.—A. He came to me and plucked me by the arm, and said he wanted to see me.

I told him that after I went into the hall I would come back and see him, I could not go then, or something to that effect. I came back out of the hall, came to the recess back of the senate chamber; that is, where they sell cigars, at the main entrance. He began by telling me I had better vote for Ingalls, and that there was a great deal to be gained. He looked me in the eyes, and came close to me and nodded his head when he made this statement.

Q. (By Senator BAILEY.) Repeat that, as I do not hear you distinctly. —A. He said that I had better vote for Mr. Ingalls; that there was a great deal to be gained, and looked me in the eyes, and nodded his head. I told him that I could not change. He then said he would make it an inducement, and I still refused. Then he wanted me to make my own figures, and kept nodding his head. I told him that I could not change. He then said anything that I wanted I could have. I had heard about money being given, and I wanted to know how much they were paying that day. So I asked him what he would give, and he said, "Five hundred, and more if you want it," and nodded his head again very emphatically. I told him I could not do it. He then said, "Make it a thousand." I hesitated and looked out of the window a minute. He then said "Make, it fifteen hundred." I told him that I was poor, but I could die poor; that I would not change for anything, and turned and walked away.

Q. (By Mr. WEBB.) How long was that before the final vote was taken in joint convention?—A. It was when they were assembling in the hall—I think about half-past ten. I was not minding what time it was. It was before the vote. I went there early to get a seat. I had a seat, but I went early, so as not to be crowded.

Q. And you went into the joint convention and voted for Albert H. Horton for United States Senator?—A. Yes, sir.

Cross-examination by Mr. EVEREST:

Q. Is the gentleman sitting here (indicating Mr. J. W. Heinecke) the gentleman you speak of?—A. Yes, sir.

Q. You say he came here, you think, favorable to the election of Mr. Phillips?—A. Yes, sir.

Q. Was this the only time you ever had any conversation with him?—A. It was the only time during our session here; we had talked about Mr. Phillips; we had met several times, and I was favoring Phillips, and he was, though we had no particular conversation.

Q. This was the only conversation you had with Mr. Heinecke relative to the election of Senator Ingalls?—A. Yes, sir.

Q. Did you not testify before the legislative committee?—A. I did.

Q. Was Mr. Heinecke there at that time?—A. No, sir.

Q. Had you been in or about Senator Ingalls' rooms at any time during the Senatorial canvass?—A. I was there, I think, twice.

Q. The only talk you ever had with Mr. Heinecke relative to the election of Senator Ingalls was at this time that you have spoken of?—A. Yes, sir.

Q. How soon after you gave your testimony before the legislative committee did you see Mr. Heinecke again?—A. It was after I got home, after the legislature was over.

Q. Where did you see him then, and what conversation did you have with him, if any?—A. In my own house; he came to see me.

Q. What conversation did you have with him at that time, if any, relative to your testimony before the investigating committee of the legislature?—A. Well, he said I had misrepresented him or given the wrong interpretation to his words; that he did not mean money; I told

him he did not say money when he said "thousand," or "fifteen hundred," but I inferred it just the same from his manner.

Q. Is that all the conversation you have had with him since the adjournment of the legislature, relative to your testimony before the legislative committee?—A. No; our conversation lasted, perhaps, half an hour.

Q. Was that the only time you have had any conversation with him on the subject?—A. Yes, sir.

Q. What time did you say this was?—A. This last conversation was in March, I think; it was after I got home some time; I cannot tell the precise date.

Q. After you returned home your evidence before the legislative committee was made the subject of a newspaper article, was it not?—A. Yes, sir.

Q. Did you read the article?—A. I read the comments of the Monitor-Diamond, and saw an article in the Beloit Courier.

Q. Papers published in your county?—A. No; the Beloit Courier is in Mitchell County.

Q. What is the name of the paper published in your county?—A. The Monitor-Diamond.

Q. Do you recollect its being stated in those articles that you had had a conversation with Mr. Heinecke in which he had taken you to task about your testimony and in which you had told him to keep still as you would have the opportunity, both of you, to go to Washington and have your expenses paid?—A. No, sir.

Q. You do not recollect anything of the kind?—A. I did not say anything of that kind to Mr. Heinecke.

Q. Did you see anything of that kind in the newspapers?—A. I saw Mr. Heinecke's reply.

Q. Did you deny it?—A. Not in that paper; I did in the Monitor-Diamond. Four papers published their comments on that testimony of mine. I could not answer all four of them, as it would take all my time.

Q. Was Senator Ingalls present during any conversation that you had with Mr. Heinecke?—A. No, sir; I do not think he was.

Q. Up to that time you had supposed Heinecke was for Phillips, had you?—A. Yes, sir; up to the time after the Horton caucus.

Q. He was here from the early commencement of the Senatorial contest, was he not?—A. I think he was.

Q. You have now given your testimony of the conversation as you understood it?—A. Yes, sir.

Q. At the time you gave your testimony before the legislative committee, did you on first being interrogated give the gentleman's name?—A. No, sir; I did not give his name.

Q. In your testimony before the legislative committee, speaking of this matter of the offer of five hundred or one thousand, what answer did you make to this question: "You may state who this party was"?—A. I said it was a gentleman in my district.

Q. What answer did you make to this question: "Give his name"?—A. I said it was James Heinecke, I think.

Q. Did you not to the question, "Give his name," answer "I suppose one has to tell the truth any way; he lives in my district"?—A. Yes, sir; I did.

Q. Was not that all the answer you made to the question at that time?—A. I think that is it. I remember stating it.

Q. Was your recollection of the events of that Senatorial contest as good at that time as it now is?—A. Yes, I suppose it was.

- Q. Did Heinecke show you any money at that time?—A. No, sir.
- Q. Did he tell you any one had sent him to you?—A. No, I do not think he did.
- Q. Where was it that this occurred?—A. It was in that place where they sell cigars.
- Q. Was it in the capitol building?—A. Yes, sir.
- Q. Up stairs?—A. Up stairs.
- Q. Near the entrance to the legislative hall?—A. Yes, sir.
- Q. The west entrance?—A. I think it is the west entrance.
- Q. When was this "five hundred" or "thousand" to be paid to you by Heinecke?—A. That was not definite. I was not intending to take it.
- Q. Was no time spoken of in regard to that?—A. No, sir.
- Q. You saw him frequently during the Senatorial canvass?—A. Well, I saw him, I guess, every day.
- Q. Did you see him the day before this final ballot?—A. I think I did.
- Q. Had you a conversation with him then?—A. I think he came to the place where I was boarding.
- Q. You were well acquainted with each other?—A. Yes, sir.
- Q. He lived in your district?—A. Yes, sir.
- Q. And that is the only time he ever spoke to you on the subject, immediately before the last ballot?—A. Yes, sir.
- Q. And that was about twelve o'clock or one o'clock?—A. No, about half-past ten, some time about that.
- Q. Where did Heinecke go after that conversation was over?—A. I left him there. I went back into the hall.
- Q. That ended the subject of that conversation?—A. Yes, sir.
- Q. Did he not go into the hall with you?—A. I saw him in the hall afterwards.
- Q. Did he not go into the hall with you when you went in to vote on the last ballot?—A. I saw him in the hall afterwards. There was a great crowd; I went in and he may have followed right after me. I did not see him, though, till I got in.
- Q. After your honor had been so insulted as you state and your integrity questioned by the offer of this five hundred or thousand, did you not ask the sergeant at-arms to pass Mr. Heinecke in with you?—A. No, sir; I did not.

Re-examination by Mr. WEBB:

- Q. The respondent's counsel asked you if money was mentioned or the word "dollars" used, or something to that effect, to which you said no. Now I will ask you if he did say to you (as I understood you to state in your examination-in-chief) "make your own figure"?—A. Yes, sir; he said that, "make your own figure."
- Q. You also said that you had a desire to know what they were giving, as you had heard money was being used. Now I will ask you if you did, as you testified in the first instance, state to him "what will you give"?—A. Yes, sir; I asked him what he would give.
- Q. In response to that, what was the answer?—A. He said "five hundred, and more if you want it."
- Q. And then advanced to a thousand and fifteen hundred, as you before testified?—A. Yes, sir.
- Q. Counsel asked you something about newspaper articles. I may not have quite understood his question or your response; but I will ask you, did not all the newspapers in your county and the adjoining county publish a communication or article in which it was stated in substance that Mr. Heinecke had interviewed you, claiming that you had misrepre-

sented him, and that you had said to him "Never mind; keep still; we will both have a chance to go to Washington;" was any such article published?—A. I do not think there was any article that used those words, but the Monitor-Diamond claimed that Heinecke's letter showed this was all a money-making scheme.

Q. Did any such conversation as that ever occur between yourself and Heinecke?—A. No, sir.

Q. The paper published in your county is the Monitor-Diamond?—A. Yes, sir.

Q. The inference or deduction drawn by the Monitor-Diamond from Mr. Heinecke's communication you say you contradicted in a communication over your own signature published in the Monitor-Diamond in your own county?—A. Yes, sir.

JAMES W. HEINECKE, a witness called by the respondent, sworn and examined.

By Mr. EVEREST:

Question. Where do you reside?—Answer. I reside on the southeast quarter of section 33, Buffalo Township, Jewell County, the 109th representative district.

Q. How long have you resided there?—A. About seven years.

Q. Do you know John M. Hutchison who represented that district in the last legislature?—A. I do.

Q. How long have you known him?—A. About six years, perhaps seven.

Q. Were you at Topeka during the last Senatorial contest?—A. I was.

Q. Did you see Mr. Hutchison at Topeka at that time?—A. I did.

Q. Upon what issue was Mr. Hutchison elected, or of what political party was he the representative?—A. He was elected on the Greenback ticket, principally by Republicans.

Q. What is his politics?—A. His politics is Republican.

Q. What is yours?—A. Republican.

Q. Were you acquainted with Senator Inga'lls before coming here to Topeka?—A. No, sir.

Q. When did you first have any acquaintance with him?—A. I had an introduction in his rooms at the Tefft House, I think, on Monday, previous to his election.

Q. Do you recollect the day of the week on which his election occurred?—A. I believe it was on Friday.

Q. State if you ever at any time had any instructions, directions, or understanding from Senator Ingalls, or any one representing him, to make any approach or any statement to Mr. Hutchison for the payment of any money for his vote for Senator Ingalls?—A. I had not.

Q. Or from any one else?—A. I had not.

Q. Did you ever on any occasion on behalf of Senator Ingalls solicit the vote of any member of that legislature upon any proposal from you for the payment of any money or anything of value for his vote?—A. No, sir; I did not.

Q. You heard the testimony of Mr. Hutchison. I ask you if at any time during that Senatorial contest you made any proposition or statement for the payment of any money or anything of value, or any promise to Mr. Hutchison for the purpose of obtaining his vote for Senator Ingalls?—A. I had a conversation with Mr. Hutchison to the effect that it would be a benefit to us in Jewell County if he would join the represent-

ative of the north and Senator Carpenter and vote for Senator Ingalls. That was about my conversation. That was the effect of my conversation.

Q. Did you in any conversation or at any time, or on any occasion, make any proposition to Mr. Hutchison to pay him any money or anything of value, or make him the promise of any money or anything of value, to obtain his vote or solicit his vote for Senator Ingalls?—A. I did not.

Q. Were you ever authorized to do that by any person whatever?—A. No, sir; I was not.

Q. Was any such matter ever made the subject of conversation between you and Mr. Ingalls?—A. No, sir.

Q. Or any of Mr. Ingalls's friends?—A. I do not know of any friends of Mr. Ingalls soliciting me.

Q. When did you first learn of the testimony of Hutchison?—A. About the 20th of March.

Q. Was that before or after the adjournment of the legislature?—A. It was after.

Q. Who sought the interview with Mr. Hutchison relative to his testimony before the legislative committee?—A. I did.

Q. Were you summoned before that legislative committee as a witness?—A. I was not.

Q. Did not Mr. Hutchison know where you resided when he testified before the legislative committee?—A. He certainly did.

Q. I understood you to state that you had no knowledge or information of the existence of any such evidence as that given by Mr. Hutchison till after the adjournment of the legislature?—A. I had not.

Q. State to this committee what that interview was and what the purpose of it was between you and Mr. Hutchison after the adjournment of the legislature?—A. I was at the post-office when one of the attorneys of the town called my attention to the testimony. I was surprised and agitated. I went to Mr. Hutchison's store, inquired for him there and he was absent. I went to his house and inquired for him. The servant told me he was in. I went immediately into his room without any hesitancy, excited, and asked him why he had testified as he had, and wanted to see the red pamphlet. I asked him for the red pamphlet.

Q. You mean the pamphlet containing the printed testimony?—A. Yes, sir; that is it. He said, "Heinecke, who is publishing your name; who told you that; who told you that I testified?" I told him Mr. Knapperberger. He said, "If I had known that I would have cut your name from that book." I told him that would have made no difference, it was published, it was out, and I wanted to know why he did it. He said, "It won't hurt you; we will make money out of it; we will have to go to Washington." Then he said something more about it, and he got excited and could not find the pamphlet. He ran around in his bedroom and in different places through the house, and he said it was just as I stated any way. I told him it was not just as I stated. He went on to explain. He said, "How could I have made anything; how could I have got anything; if Mr. J. W. George had got the post-office, how was I going to be benefited?" I told him perhaps J. W. George might transfer his mail contract to him and he could be benefited in that way. That was about the sum and substance of the conversation. We had a lingering conversation, but it was all in about that way. I cannot recall all of it.

Q. That was the excuse he made for his testimony?—A. Yes, sir; that was the excuse he made for the testimony.

Q. Did you then and there tell him that the testimony was false so far as it implicated you in that matter?—A. I did.

Q. Then he became excited, you say?—A. He did.

Q. How long was that after Mr. Hutchison's return from the legislature?—A. I do not know. I cannot say. I live on a farm three and a half miles east of Jewell City, but I happened to be at the post-office at Jewell City this day.

Q. Where Mr. Hutchison resides?—A. Yes, sir; where he resides. There this gentleman called my attention to it, and it excited me, and I immediately went to his place of business to inquire why he did it.

Q. What is Mr. Hutchison's business?—A. He is a druggist.

Q. He resides at Jewell City?—A. Yes, sir.

Q. You reside about three and a half miles from Jewell City, on a farm?—A. Yes, sir.

Q. And when your attention was first called to this testimony you sought this interview?—A. Yes, sir; I did immediately.

Q. What else did you do in regard to the testimony after you had ascertained it?—A. I hardly understand the question.

Q. What other action did you take regarding the testimony?—A. I took no other action except when my attention was called to a publication in the Beloit Courier—the testimony was published in the Beloit Courier of John M. Hutchison—and they asked me to reply; I replied, stating (I cannot give the words now, but the substance was) that it was untrue and that he had misinterpreted my conversation, and that my friends would wait until I went to Washington, or, to use his own words, that we would make money out of it, we would go to Washington and then my friends could judge which was right and which was wrong. That was about the sum and substance.

Q. Did he, during the conversation you had with him, request you to keep still about it?—A. I do not know that he did; he might have done so, but I cannot say positively that he did.

Q. I understand that previous to your coming here during that Senatorial canvass you were personally a stranger to Mr. Ingalls?—A. I was.

Q. I understand that you came here an ardent supporter of Mr. Phillips first?—A. Yes, sir; I was until after Mr. Phillips' name was not known in the contest.

Q. After the name of Mr. Phillips was withdrawn, whom did the people of the southern tier and in the immediate vicinity of where you live wish to have for United States Senator?—A. I believe they were first for Mr. Phillips, and afterwards for Mr. Ingalls.

Q. That was well understood there, was it not?—A. I believe it was.

Q. Can you state any conversation you had with Mr. Ingalls relative to the Senatorial contest?—A. There was none. The first time we met, Mr. John Crowell introduced me, and I think he said rather ironically he was very sorry he could not present a better appearance; and the next time I was introduced to him by Mr. Ward at the capitol, in Governor St. John's room, and he said he had met me at the Tefft House once before. That was all the conversation Mr. Ingalls and I ever had until I came here these last few days.

Q. Then you were simply introduced to him in connection with a number of other gentlemen?—A. Yes, sir; a mere form.

Cross-examined by Mr. WEBB:

Q. Crowell introduced you to Ingalls?—A. Yes, sir.

Q. And afterwards Ward gave you an introduction?—A. Yes, sir.

Q. Who introduced you to Mr. Merritt?—A. Nobody; I do not know Mr. Merritt.

Q. Did you not get acquainted with Mr. James S. Merritt here last winter?—A. No, sir; I do not know the gentleman.

Q. Nor Joseph C. Wilson?—A. No, sir; I do not know him.

Q. Do you not know them even now?—A. No, sir; I do not.

Q. Have you not had any talk with them?—A. No, sir; not to my knowledge.

Q. Were you around the Tefft House a great deal last winter?—A. I was.

Q. Do you not know that the Tefft House was Ingalls's headquarters?—A. Yes, sir.

Q. Did you get acquainted with J. S. Danford last winter?—A. No, sir; if I was introduced to him I do not remember it.

Q. Are you acquainted with a gentleman by the name of C. M. Foulkes?—A. No, sir.

Q. J. V. Admire?—A. No, sir.

Q. Calvin Hood, of Emporia?—A. No, sir.

Q. George R. Peck?—A. I have seen the gentleman here. He was pointed out to me. That is he (indicating).

Q. Did you get acquainted with him last winter?—A. Perhaps so.

Q. James R. Hallowell?—A. No, sir; I never spoke to him, unless it was a mere passing introduction.

Q. Your acquaintance was very limited last winter?—A. My acquaintance was so far as those gentlemen were concerned. I was principally in Mr. Phillips' rooms.

Q. You did have a conversation with Mr. Hutchison as he entered the house on the morning of the final vote for United States Senator?—A. I did.

Q. Who sought that interview?—A. I did.

Q. You commenced the conversation, then?—A. I did.

Q. What did you say to Mr. Hutchison?—A. I cannot tell you the wording of the conversation. I tried to impress upon him—

Q. Never mind what you tried to do, state what you first said to him.—A. I cannot recollect just the words I used.

Q. Can you recollect anything he said?—A. I can remember very little of what he said. It was just a passing friendly conversation. I asked him some questions.

Q. What questions?—A. I asked him to vote for Mr. Ingalls.

Q. What did he say?—A. I think he shook his head; I do not think he said anything.

Q. Then what did you say or do?—A. I told him it would be a benefit, I believe, or something to that effect. I cannot word it except that it would be a benefit to us.

Q. What did he say?—A. He said he was strong, strong with his men.

Q. What did you say?—A. I cannot give it in detail, as I tell you. I know that was some of the conversation; but in detail I cannot give it.

Q. You say you told him that you thought it would be a benefit?—A. Yes, sir.

Q. Did you tell him in what way it would be a benefit?—A. No, I did not explain it, because we had but a very few moments to talk.

Q. I am not asking about the time now, I am asking what you did say?—A. That is what I am trying to tell you.

Q. Please tell me what he said to you and what you said to him further?—A. I cannot narrate the conversation, because I cannot recall the words. I wish I could.

Q. You undertook a short time ago to narrate a conversation between yourself and Hutchison at Hutchison's house— A. Yes, sir.

Q. Wait a moment till I get through. You could narrate a conversation that took place in March at Hutchison's house between yourself and him, when you said you went there excited. Now, I want you to narrate the conversation that took place at the capitol building, when you were not excited, and when you deliberately approached Mr. Hutchison to ask him to support Senator Ingalls.—A. I cannot recall the conversation, because I did not give it any thought after I had conversed with him.

Q. Was it a matter about which you would not think?—A. It was a matter that after I had conversed with him I dropped. I had other business that occupied my mind more and took my mind off for over a month. I was interested in other business.

Q. I am not asking about that, and it is of no consequence here. You said that after your interview with Mr. Hutchison at his house in Jewell City an article was written and published concerning Mr. Hutchison's testimony and your connection with the matter?—A. I did.

Q. What paper did you say that was published in?—A. The Beloit Courier.

Q. In what county is that paper published?—A. Mitchell County.

Q. Who wrote that article?—A. I wrote it.

Q. Who framed the original draft?—A. I did.

Q. Being competent to write an article for publication in a newspaper, how is it that you are not competent to narrate a conversation between yourself and Mr. Hutchison?—A. I stated before that the conversation was such that it did not occupy my mind; I cast it aside and thought but little of it. I had other things to worry and bother me afterwards that were of greater importance. That is why.

Q. You wrote an article for publication which you signed?—A. Yes, sir.

Q. That article related to the testimony which Mr. Hutchison had given in which he undertook to state a conversation between yourself and him?—A. Yes, sir.

Q. You claimed that his version of that conversation was erroneous?—A. Yes, sir.

Q. Then you must have recollected what the conversation was in order to know that he was wrong?—A. I recollect the conversation.

Q. Then repeat it.—A. I recollect the conversation, that which I intended to convey, not the words.

Q. Have you a copy of your communication to the Beloit Courier in your pocket?—A. I have not.

Q. Did you bring one with you here to this city?—A. I did not.

Q. In your communication to the Beloit Courier, in reply to the question of the Courier that you should state yourself and you should be heard from, did you not use these words: "I will fairly state that the conversation as interpreted by Hutchison is untrue"?—A. I think I did not; I think I said I would "freely."

Q. Did you say, "I will freely state that the conversation as interpreted by Hutchison is untrue"?—A. I did.

Q. Is it not the fact that in your interview with Mr. Hutchison and in explanation to your friends you did not pretend that Hutchison had not given your words, but that he had put a wrong interpretation on them?—A. Certainly, the interpretation and the words; the way he construed the language of the conversation was wrong, erroneous. There

were some things about it; some of the words and some of the figures were there; I remember that.

Q. What figures do you remember?—A. I remember telling him—I do not know that I can state the words, but that it would be an advantage to us five hundred or a thousand or fifteen hundred.

Q. You did say that to Hutchison?—A. I did; yes, sir.

Q. Did you tell him how it would be an advantage to you of five hundred?—A. I did not.

Q. Did you tell him how it would be an advantage of a thousand?—A. I did not.

Q. Did you tell him how it would be an advantage to you of fifteen hundred?—A. I did not. He understood it.

Q. He understood it?—A. Yes, sir; he understood how it was.

Q. How did you understand that when you said to him, "five hundred," "a thousand," and "fifteen hundred"?—A. Mr. George S. Bishop had been nominated for register of the land office and he was about to be confirmed, as I understood. I was told so. If Mr. Bishop should lose his appointment it would be a detriment to our county that much at least, and we, there in the county, might not receive that amount for distribution through our county. That was about the principle. He would get the salary.

Q. Where was that land office located?—A. In Concordia, Cloud County.

Q. How far from Jewell County?—A. Concordia is twenty-five or thirty miles from Jewell City. Cloud County adjoins Jewell County.

Q. You knew that Mr. Bishop was nominated for that office?—A. I understood so.

Q. You know that he was not confirmed?—A. I do.

Q. Then your county lost that five hundred?—A. It lost his salary, what he would have brought into the county by his salary.

Q. You approached Mr. Hutchison just before the final vote was to be taken for United States Senator to get him to vote for Mr. Ingalls because one of the citizens of your county was likely to be appointed to an office which was situated in a distant county?—A. And because the people there favored Mr. Ingalls after Mr. Phillips was out of the way.

Q. Did you understand that to be so when you were talking to Hutchison?—A. I did, and so did he.

Q. Was that part of the advantage and benefit it would be to you?—A. No; they would work together for the interest of that county.

Q. Was that part of the five hundred?—A. That would bring it into our county and to him indirectly.

Q. What would bring that into your county?—A. Such an action of his.

Q. What action?—A. They jointly would be together, and could act together so as to induce such appointment or bring something there that would be a benefit to us. He understands it.

Q. It is your understanding that I want, not his. Now, tell us how it was going to be an advantage of a thousand?—A. All the same.

Q. A thousand what?—A. A thousand dollars, if you please, or a thousand times more.

Q. When you said five hundred, a thousand, and fifteen hundred, did you not mean dollars?—A. I do not know that I did mean dollars.

Q. When you said it was going to be an advantage of five hundred, you meant five hundred what?—A. Just what I told you before.

Q. What five hundred?—A. Just as I said, as you please.

Q. It is your answer I want.—A. You may take it five hundred dol

lars or five hundred times greater than it would be if he would vote for anybody else. Just take it in that way. There was no consideration that I offered Mr. Hutchison. That is what I want you to understand. I did not offer him any consideration.

Q. I know that is what you want me to understand, but I ask you whether when you used the words "five hundred," "a thousand," and "fifteen hundred," they might not reasonably and rationally be interpreted \$500, \$1,000, and \$1,500?—A. They might.

Q. Now, I want to call your attention a little to the interview you had with Hutchison at his house. When you found your name was printed as having offered to bribe Mr. Hutchison you were excited?—A. Yes, sir.

Q. You got right up and went hurriedly first to his store and then to his house for the purpose of interviewing him?—A. Yes, sir.

Q. You were angry?—A. I was.

Q. I have not finished the question yet. Were you angry because he had testified to that effect, or because you were exposed for having offered a bribe? Which was it?—A. Because he had told an untruth.

Q. In what respect did he tell an untruth?—A. In the respect that I had offered him money, or that I had approached him in a manner to corrupt him, in other words.

Q. Did you tell him that his testimony was false?—A. I did.

Q. Did he not tell you in response that it was true?—A. No, sir. He asked me whether it was not true. He did not say it was true.

Q. Did you not, when answering questions propounded by Mr. Everest, say that when you told him it was not true, he said to you "no matter; I told it just as you did"?—A. No, sir; I did not.

Q. Did you not make substantially that response to Mr. Everest?—A. I do not know whether I understand your question.

Q. I ask you then, independently of what you have testified to, if Mr. Hutchison did not in that conversation affirm that he had correctly repeated in substance the conversation between yourself and him?—A. I do not think he did.

Q. What did you say that he said to you about cutting your name from a book?—A. When I went in he asked me who was publishing that. I told him Mr. F. M. Knapperberger, an attorney there, had told me of it. Said he, "If I had known that, I would have cut your name from that book." He was very much excited.

Q. Mr. Hutchison was excited?—A. Yes, sir; he was.

Q. So were you?—A. I had good cause to be.

Q. You say that he told you it would not hurt you?—A. Yes, sir; he did.

Q. Did he tell you in what way it would not hurt you?—A. He said it would not hurt me, that we would make money out of it; we would have to go to Washington.

Q. Hutchison said that to you?—A. He did.

Q. What else?—A. That is all he said.

Q. What else did he say, if anything?—A. He said a great many things that now do not come in routine in my mind. He also called my attention to testimony that had been given by others to show that his testimony was as good as theirs.

Q. Do you recollect distinctly the conversation that took place up in the capitol?—A. No, sir; I do not now.

Q. You recollect the fact of the conversation?—A. Yes.

Q. You recollect the place?—A. I do.

Q. Was any person standing by?—A. Not that I know of.

Q. You could fix the exact location?—A. I believe I could.

Q. The time of day you could fix?—A. I do not know that I could, because I did not carry a watch and I do not know?

Q. I will try your recollection on some other matters. Where did you stay that night?—A. I staid in North Topeka, at the Adams House.

Q. Were you in the anti-Ingalls caucus that nominated Judge Harton?—A. I was not. I was in bed.

Q. What time did you come over to this side of the river in the morning?—A. I think about half-past seven.

Q. Whom did you see and talk with?—A. I saw a gentleman on the sidewalk.

Q. Name him?—A. I cannot name him because I did not know him then. He acknowledged to me on Saturday evening, I think, that it was he; Aaron S. Brewster, I think is his name.

Q. Whom else did you see?—A. I saw W. W. Smith.

Q. A member of the house from Marshall County?—A. Yes, sir.

Q. Was he one of Ingalls's friends?—A. I believe he was.

Q. One of his warm supporters?—A. I believe so.

Q. Whom else did you see beside W. W. Smith?—A. I saw J. W. George.

Q. He is from your county?—A. Yes, sir.

Q. Was not Mr. George a warm supporter of Ingalls?—A. He was.

Q. Whom else did you see?—A. I saw Senator Carpenter.

Q. He represents your district in the senate?—A. He represents the senatorial district.

Q. Was he a warm supporter of Ingalls?—A. He was.

Q. Whom else did you see?—A. I think W. T. S. May. I did not speak to him, but I saw him there.

Q. Where does he live?—A. I think he lives at Kerwin, but I would not be positive. He was in Concordia at one time.

Q. Whom else did you see?—A. There were so many there I could not tell you.

Q. What conversation took place between yourself and W. W. Smith?—A. I went upstairs and told Mr. Smith that a friend sent me to tell him that my friend was neutral, and wanted to know what I should say to him. He left me, saying he would see his friends. He came back and told me to go and see if he was, and, if so, what he wanted.

Q. Who was your friend?—A. My friend was John N. Hutchison, I suppose.

Q. That took place between yourself and Smith after Aaron S. Brewster sent you to Smith?—A. I believe it was he. He acknowledges it now.

Q. Where did you see Smith?—A. I saw him on the steps of the Tefft House.

Q. And Brewster told you to tell Smith your friend was neutral?—A. I believe that was it.

Q. You saw Smith and told him so?—A. Yes.

Q. That friend was John N. Hutchison?—A. I think so.

Q. And Smith sent you to see what he wanted?—A. Yes, sir.

Q. Then you went to Hutchison and had that conversation with him at the capitol?—A. I did.

Q. Where did you see Smith?—A. I saw him in the Tefft House.

Q. Whereabouts?—A. I saw him first on the steps.

Q. Where else?—A. He and I walked up into one of those corridors.

Q. Fix the locality.—A. I cannot fix it.

Q. How many flights of stairs did you ascend?—A. Only one.

Q. You went through the office?—A. No, sir; I was right in the hall.

Q. When you first saw Smith was he in the hall?—A. Yes, sir; or on the steps.

Q. That is, W. W. Smith, member from Marshall?—A. Yes, sir.

Q. The hall directly west, on the same floor with the office?—A. The same.

Q. You then went up that flight of stairs?—A. Yes, sir.

Q. When you reached the head of the stairs, did you turn?—A. I do not remember what direction we took; I think, though, we took another three steps and went west.

Q. Then you turned to your left, went around, and went up three more steps?—A. No; we just went back.

Q. You did not go up that little flight of three or more steps?—A. I do not think we did.

Q. How long were you and Smith there in conference?—A. About two minutes, I should say.

Q. How long was it from the time of your conversation with Smith before you saw Hutchison?—A. I went to Liberty Hall to inquire if Mr. Hutchison was there. From there I went to his boarding-house and inquired if he was there, and the young lady told me he was not in. I inquired then for Mr. Hamilton, and this young lady said Mr. Hamilton was in bed. I went from there to the capitol. I went to the top of the gallery, and I met Mr. Ed. Martin and I asked him if he had seen Mr. Hutchison. He said he had not. I looked over in the main building, in the main room, and I did not notice him. I went down, and just then I met him, preceding two ladies, coming up the stairs. I told him I would like to see him.

Q. And you there had the conversation?—A. Yes, sir.

Q. After Mr. Smith told you to go and see him and see what he wanted, you were diligent in your pursuit of him until you found him?—A. I was.

Q. And in that diligence you went to his boarding-house, and among other persons inquired for Mr. Hamilton?—A. Yes, sir.

Q. He was a Greenback member also, was he not?—A. Yes, sir.

Q. He was a member of the house?—A. I believe he was; Mr. Hutchison told me he was.

Q. You say Smith told you to go and see Hutchison and see what he wanted?—A. I believe those were his words; they were something to that effect.

Q. Did you go and ask him what he wanted?—A. I did not.

Q. Mr. Smith told you to do so?—A. Certainly he told me, but I did not do in in that way; I did not ask him what he wanted, because I knew he understood what was wanted out there, and I knew that we had no time for conversation, that the house was gathering and he had to go right into the house. What I wanted to know of him was whether he would not vote for Mr. Ingalls.

Q. Exactly. In order to convince yourself of that what did you say to him?—A. I said it would be of great value to us out there—something to that effect.

Q. It would be of great advantage "to him," and afterwards you said "to us"; which did you say to him?—A. I cannot tell you what my words were, exactly; I would not want to be positive as to the words; it makes quite a difference; I know the substance of the conversation.

Q. Who is this man Aaron S. Brewster?—A. That is the gentleman there—(pointing to Mr. Everest.)

Q. The one who has asked you questions?—A. Yes, sir.

Mr. EVEREST. He has made a mistake in my name.

Q. (By Mr. WEBB.) You mean Aaron S. Everest?—A. Yes, sir; you see, now, I get names mixed.

Mr. WEBB. I see.

The WITNESS. That was my mistake.

Q. (By Mr. WEBB.) He told you to go to Mr. Smith and tell Mr. Smith that your friend was neutral?—A. Yes, sir.

Q. And you went to Mr. Smith and told him so?—A. I did; I told him I had understood so.

Q. That friend was John M. Hutchison?—A. I did not tell him so.

Q. But the fact was so?—A. I supposed he was my friend.

Q. John M. Hutchison?—A. I supposed he was.

Q. You did go to Smith and tell Smith so?—A. I went to Smith and told Mr. Smith I had understood my friend was neutral.

Q. Mr. Smith told you to go and see that friend and ask him what he wanted?—A. Yes; or something like that.

Q. As you did as Mr. Everest asked you to do, why did you not do as Mr. Smith asked you to do?—A. Because Mr. Smith was coming downstairs, and this gentleman, Everest, left me, and I went immediately to Mr. Smith and talked with him. I can tell you the reason why they thought Mr. Hutchison—

Q. Your reasons I would rather ask for: In the conversation you had with Smith, at the place you have designated, did he say he wanted to see his friend?—A. I believe he did.

Q. Did he go away?—A. He left me for a moment.

Q. Where did he go?—A. I do not know; he left me just a moment or two and came back.

Q. You say you went up a flight of stairs from the office?—A. Yes, sir.

Q. At the head of it you turned just to the left and around the corner, where you and Smith talked?—A. Yes, sir.

Q. You say Smith said he wanted, first, to see his friends; what for?—A. I do not know; I did not ask him; I supposed he had some business with his friends.

Q. What did you say to him that induced him to say, "I wish, first, to see my friends"?—A. I do not know what I did say to him that did that; he was coming downstairs and I met him, and we went upstairs, and then we went back there.

Q. What did you say to him?—A. I do not remember just what I said.

Q. You delivered that message sent by you from Mr. Everest?—A. I said that I had understood my friend was neutral, and what were we to say to him, or what should we do, or something like that.

Q. Then he said he wanted, first, to see his friends?—A. I think that is what he said.

Q. Then he did go away and was gone a few minutes?—A. It was only an instant; he was not absent very long.

Q. Not over half a minute?—A. I do not know; I am not sure.

Q. Was he not gone just long enough to step around that railing at the head of the stairs and enter a room?—A. It might have been; I do not know that he went in there, perhaps not; it was crowded there.

Q. Do you know who occupied that room right around there?—A. I do not know.

Q. Were you never in there ?—A. I was there.

Q. Who was there when you were there ?—A. I do not know ; there were a great many there.

Q. When were you in there ?—A. I was in there in the early part of the contest. I went in with Senator Carpenter at one time.

Q. Smith went to see his friends and returned. What did he say when he came back ?—A. He said, "Go and see your friend and see what he wants," or something to that effect. I do not know that those were just the words.

Q. And then you went on this chase after Hutchison ?—A. I did.

Re-examined by Mr. EVEREST :

Q. Did you communicate the conversation that you had with Mr. Hutchison to Mr. Ingalls ?—A. When ?

Q. After you had had it.—A. No, sir.

Q. Did you ever at any time ?—A. No, sir.

Q. Do you know whether Senator Ingalls or any of his friends knew of the conversation you had with Mr. Hutchison from you ?—A. Not to my knowledge.

Q. I understand that the members of the legislature from your portion of the State were favorable to Mr. Ingalls as second choice ?—A. I think so.

Q. Even those members who were denominated as Greenbackers ?—A. I think so. So was Mr. Hutchison.

Q. Was he elected upon that understanding ?—A. No ; there was no understanding that I know of.

Q. You know that from Mr. Hutchison's talk ?—A. I do.

Q. That he favored Mr. Ingalls as second choice ?—A. Not for second choice, but after Phillips. First, I believe he was going to compliment his Greenback man.

Q. After that who was his preference ?—A. Mr. Phillips.

Q. After Mr. Phillips who was his preference ?—A. Mr. Ingalls, as I understood him.

Q. Was that the subject of your conversation here at different times ?—A. I did not talk to him about Mr. Ingalls but once, and that was the evening of the anti-Ingalls caucus. Mr. Bishop, Mr. Hutchison, and myself were together, and Mr. Hutchison said that he liked Mr. Ingalls's silver bill, and there was some paper that Mr. Ingalls had signed for Mr. Wood that was stronger than any Greenback paper or any Greenback man would want a man to sign—something to that effect.

Q. That was the reason you spoke to him after Phillips was out of the way ?—A. It was.

Q. And the subject of your talk was to get him to vote for Mr. Ingalls upon a theory that it would be a benefit to your portion of the State ?—

A. Yes, sir ; it was.

Q. And inasmuch as the other members favored him ?—A. Yes, sir.

JOHN M. HUTCHISON, a witness called by the memorialists, recalled for further examination.

By Mr. WEBB :

Question. Have you heard the testimony of Mr. Heinecke ?—Answer. Yes, sir.

Q. Directing your attention to the interview between himself and yourself at your house, I ask you particularly with respect to that portion of it where he says you wished to cut a name out of a book. What

was the fact in regard to that?—A. Well, Mr. Heinecke and I had been friends, and I dislike to disclose his name as offering me a bribe. Mr. Knapperberger had got this book, the red book containing the proceedings of the legislative committee. I knew that was the way that was, and that he was a man who would attack Heinecke whenever he came in and baze him, and that was the reason why I said I would have erased his name rather than have him exposed in that way, to have saved him from exposure in his own neighborhood. The testimony was published in the Kansas City Times, but I did not suppose there was any one there had read that.

Q. In that conversation did he claim to you that your testimony was false?—A. He claimed just about what he claimed in the Beloit Courier in his reply.

Q. That we have not got. Tell us what he did claim?—A. That, as I interpreted it, he did not mean \$1,500; but meant fifteen hundred. I asked him, "Fifteen hundred what?" He said, "Influence." "For instance," he said, "if Judge George should get the post-office, he could throw up his mail contract" to me and I could take it. I told him I did not want the mail contract; that would be of no account to me. I could not explain the fifteen hundred any more than that it was \$1,500, or in any other way than that he meant to offer me a bribe. He knew that in my testimony I used his words, and the meaning was just what the words would indicate.

Q. What did he say to that?—A. He said it was not. I asked him what it was. He said it was political influence and something in the future. That was his statement.

Q. In that conversation did you state to him that the testimony which you had given was, in fact, true?—A. Yes, I did.

Q. I believe you were asked in cross-examination before whether you said to him that you and he would have to go to Washington?—A. That was at the close of about a half hour's conversation.

Q. What was said, if anything, in that regard?—A. As he was going away, he was feeling crushed over not being able to make any explanation of the "fifteen hundred." Those were the statements that he claimed that I misconstrued. When he was going away, I said to him, the only thing I could console him, that if he had to go to Washington the government would pay him his fare there. I said to him, "You may get a couple of hundred dollars if you have to go to Washington." I was regretting that he would have to go to Washington, since it was out. That is what I said in reply to that.

Q. Who first suggested that he would have to go to Washington; you or himself?—A. I do not know. I do not know whether it was in my statement. I believe I said to him, "Heinecke, tell the truth; there is no need in your trying to deny that, because you will have to be put under oath; this thing will in all probability come up again, and we will have to go to Washington." I believe I said to him that. I told him that was the best way for him to do.

Q. He says that you used the expression that in going to Washington you could make money out of it, or make money by going to Washington?—A. I did not use that expression to him at all. I merely said that if the government took him to Washington they would have to pay him a couple of hundred dollars, but that he would pay his own expenses. It would not be money-making.

By Senator CAMERON :

Q. To whom did you first develop the conversation which you say

you had with Heinecke on the day of the Senatorial election ?—A. I think it was to General Clapp.

Q. When did you develop it to him ?—A. I did not develop the conversation ; I only said that I had been offered \$1,500, and the election would in all probability go for Mr. Ingalls.

By Senator BAILEY :

Q. Did you say that before the voting or after ?—A. I went down out of the State house after this and met Mr. Clapp, I think on the sidewalk out this way towards the street.

By Mr. EVEREST :

Q. Was that before the ballot ?—A. Yes, sir ; before.

Q. You did not make this known in the joint convention ?—A. No, sir ; I did not.

Q. You were present ?—A. I was present.

Q. And voted ?—A. Yes, sir ; I voted.

Q. Voted with that knowledge ?—A. Yes, sir.

By Mr. WEBB :

Q. You had heard of A. M. York, and his efforts ?—A. Yes, sir.

Q. And how such efforts were rewarded in Kansas ?—A. Yes, sir.

WILLIAM W. SMITH, a witness called by the respondent, sworn and examined.

By Mr. EVEREST :

Question. Where do you reside ?—Answer. In Waterville, Marshall County.

Q. Were you a member of the legislature of Kansas last winter ?—A. I was.

Q. Representing what district ?—A. The 75th.

Q. Do you know James W. Heinecke ?—A. I do.

Q. Did you have any conversation with him during the Senatorial contest ?—A. I believe I had upon one occasion.

Q. State when and where it was and what that conversation was.—A. I am not positive just where it was. One day—I do not remember the day even—in the Telft House he said to me, or in some manner, was talking about some friend of his that was uncertain as to how he would vote or what he would do, and it all occurred in a casual manner. I remarked to him about as he has stated “what does your friend want ?” That is all there was to it. I never spoke to him afterwards in regard to it, nor he to me, nor I to anybody else. It just passed off in that manner.

Q. Was the name of any person mentioned between you and Mr. Heinecke at that time ?—A. Never.

Q. Did you know who his friend was that he spoke of ?—A. I did not.

Q. Did you report any such conversation as that to Senator Ingalls ?—A. I did not.

Q. Or to any of his friends ?—A. Not one word.

Q. That was the substance of all that took place ?—A. That was all.

Cross-examined by Mr. WEBB :

Q. You heard the testimony given by Mr. Heinecke a few minutes ago, did you not ?—A. I did.

Q. Did you hear it all ?—A. Yes, sir.

Q. Did he fix the place where that conversation occurred ?—A. I do

not know; I cannot say as to that. It occurred in or about the Tefft House; but just where it was I do not remember.

Q. Do you not remember that you walked up the stairs with him, and turned right around there to the left at the head of the first flight of stairs and talked with him?—A. I do not.

Q. What did he say to you when he approached you?—A. I do not remember that. He said something about this friend. I do not know that he approached me. My recollection would be that we just happened to come together, and that he was speaking something about a friend of his that was uncertain.

Q. Had you known him before that?—A. I have known him for six or eight years.

Q. Had you any conversation with him previous to that time in regard to the Senatorial election?—A. Not in the least.

Q. Were you here as a friend and supporter of Senator Ingalls?—A. I was.

Q. Interested in his re-election?—A. Nothing more than any citizen who thought him to be the best man to represent us in Congress.

Q. I mean politically and locally you were interested in his election?—A. Just the same as any other citizen who believed him to be the best man to represent us in Congress.

Q. Did you not take considerable pains to impress that opinion and belief upon others?—A. Upon anybody that I thought I could have the least influence with.

Q. Were you not around Senator Ingalls's headquarters a good deal?—A. Daily, hourly.

Q. Did you not find around those headquarters Mr. James S. Merritt?—A. I saw James S. Merritt there almost every time I went there.

Q. And Joseph C. Wilson?—A. Joseph C. Wilson.

Q. And Col. A. C. Dawes a good many times when he was here?—A. Frequently.

Q. And J. S. Danford?—A. Danford I do not know.

Q. Did you never see J. S. Danford at Ingalls's headquarters?—A. I do not know him. There are two men, Mr. Danford and Mr. Hood, whom the probabilities are that I have seen; but I cannot distinguish either one to-day. I do not know one of them from the other.

Q. Do you remember that when Mr. Heinecke came to you he told you Mr. Everest had sent him to you?—A. I do not remember any such word.

Q. Did he not tell you Mr. Brewster had sent him to you?—A. I do not recollect that.

Q. Did he tell you who was his particular friend?—A. He did not.

Q. He did not tell you it was uncertain how his friend would vote?—A. He made that remark.

Q. What did you say?—A. That was in connection with a general conversation in regard to his friend, and complaining or something, I do not remember just what it was, and I asked him what he wanted.

Q. Why did you ask him what he wanted?—A. Well, I do not know. I do not know why I should ask such a question.

Q. When Mr. Heinecke told you that his friend was doubtful, that it was uncertain how he would vote, and you asked him what he wanted, were you not interested and anxious to secure a vote for Mr. Ingalls?—A. Most emphatically.

Q. Then what did you say or do at that time to that end?—A. Nothing further than I have related.

Q. Did you not walk right around into Merritt's room and talk with him?—A. I did not.

Q. Did you not ask Heinecke who his friend was?—A. I did not, or if I did I do not remember asking him who his friend was.

Q. Did you understand that it was Mr. Hutchison, member from Jewell?—A. No, sir; because he was a rank Greenbacker.

Q. Did you not know that some of the Greenbackers were fond of greenbacks and the more they got the better?—A. I presume I might have a supposition in that respect the same as yourself.

Q. Precisely; we understand just how that is.—A. You may, but I do not perhaps.

Q. Then you should not suppose.—A. It is a supposable case, I judge.

Q. Did you not leave Heinecke and say to him "I must see my friends?"—A. Not to my recollection.

Q. You heard him testify that he recollected it?—A. I did.

Q. You heard him testify that you did leave him and were gone half a minute or so?—A. I so heard him.

Q. You heard him testify that you returned and told him to go and ask his friend what he wanted?—A. Yes, sir.

Q. Do you not remember that that did in fact take place?—A. I do not.

Q. Do you remember distinctly that it did not take place?—A. It is my impression that it did not take place.

Q. Then your impression is that Mr. Heinecke's testimony in that respect is all false?—A. I am of the impression that he is very much mistaken.

Q. And if you had testified before him, would not his testimony be in contradiction of yours?—A. I do not know as to that.

Q. I did not know but that you might have an impression as to that?—A. You might have, but I do not know. I have not got any. That is hardly a supposable case.

JOHN FRANCIS, a witness called by the respondent, sworn and examined.

By Mr. WILLIAMS :

Question. You were treasurer of the State of Kansas during the last Senatorial election?—Answer. I was.

Q. Did you make the acquaintance of one Frank Playter, of Girard, during that time?—A. I met Mr. Playter during that time.

Q. Were you also acquainted with the treasurer of Crawford County at that time?—A. Yes, sir.

Q. State his name.—A. W. B. Curtis.

Q. Did he have a settlement to make with the State at that time?—A. Yes, sir. Under the law he was required to settle prior to the first day of January.

Q. Did Mr. Playter have any connection with the making of that settlement?—A. Yes, he had.

Q. Now go on and state in your own way to the committee Mr. Playter's connection with that settlement in full.—A. Mr. Curtis came up to make his settlement somewhere about the 15th of January. It was directly after the inauguration. He brought up \$1,500 in money himself, and said that the balance he had paid to the bank to have expressed, and that it would be here probably the next day.

Q. Did he state what bank?—A. No, he did not state what bank. He said "the bank." He stayed here all day the 15th and part of the day

of the 16th till after the train came in, and the money did not come. He left word for me to make out his receipts as soon as the money came and send them to him. It went on for a week or more, and still his money did not come. I wrote him that his money had not come, that he had better be attending to it. After that, on the morning of the Senatorial election, I believe, Mr. Merritt came into my office and said that Frank Playter was up there and he wanted to pay some money into the treasury on behalf of the county treasurer of Crawford County; that he had a note for \$3,000 that he wanted to sell. Merritt said that he would take the note provided it was as Playter had represented, but that he could not attend to it then, but would on Monday or Tuesday, and would that suit me. I told him as far as I was concerned that would do. In a few minutes after, Mr. Playter and Mr. Hossack came into the office together, and Mr. Hossack, whom I had met before, introduced me to Mr. Playter. That was the first time to my knowledge that I ever saw him. He asked if Merritt had made any arrangement whereby this note of his was to be negotiated. I told him that he had made no arrangement with me, but that I had known Merritt for some time and that he, Merritt, would do as he agreed, and that he had told me that if the note was as he, Playter, represented, he, Merritt, would fix it either Monday or Tuesday. At that Mr. Playter seemed a little annoyed. He said, "won't you take this note," and I replied that I was not in that business, that I had a big bond behind me, and that I was not in the habit of betraying my friends. I think those were the very words I used to him. Hossack made a remark that he wished that matter could be settled because he wanted to see Curtis safe. After that conversation took place the two gentlemen went out of the office and I did not hear anything more about the matter, till, I think it was the next day, the assistant sergeant-at-arms of the house brought me a note from Mr. Playter, and inclosed was a note for \$3,000, signed by Thomas B. Ping, if I recollect aright, and on the back of it it had been indorsed by Mr. Playter. His name was there, I think, and also the name of F. M. Shaw. Both these names had been crossed off and Playter's name had been again written on it, and underneath his name were the words "without recourse." In the letter Mr. Playter stated that if Mr. Merritt did not take up that note and pay the money, for me to let him know. I saw Mr. Merritt, I believe, the next day, and he declined to take the note. It was either the next day or probably Monday; I guess it was Monday. He declined to take the note, as he had ascertained that the property was not what it was represented. I notified Mr. Playter that nothing had been done. I also notified the county treasurer that he had better look after the matter. Some three or four telegrams passed between myself and the treasurer, and also letters in relation to it. Finally Mr. Playter paid the money into the treasury. He brought up a certified check from Kansas City for \$3,000. I took the check and sent it at once for collection, and after I got the money I issued to the county treasurer his receipts.

Q. What bank did you understand that the money had been deposited in?—A. I did not understand any particular bank, for the reason that I did not know where the money was to come from. I went down to the agent here to ascertain whether the money was expressed from Kansas City or whether it was expressed from Girard. The money had not come by express. I became a little curious about it for fear the money had been lost, and I went to the express agent and asked him to inquire if it had been expressed from Kansas City, or if it had been expressed from Girard.

Q. Do you know what business Mr. Playter was in?—A. I understood he was in the banking business.

Q. At Girard?—A. At Girard.

Q. Did you understand that he was charged with the payment of this money by Mr. Curtis?—A. My understanding was that Mr. Curtis had paid the money into the bank.

Q. Into what bank?—A. Into his bank there, that he had paid the money into the bank, to be sent here by express.

Q. Into Playter's bank?—A. Into Playter's bank. It is customary for county treasurers, in making their settlements with me, to go to the banks and get the banks to send the money by reason of the contract the banks have with the express company. It costs less by express to have a bank send it than it does for an individual.

Q. You understood, then, that the money had been placed in Playter's bank before Playter came up here, to be paid into the State treasury?—A. Yes, sir.

Q. How long after that was it in fact before it was paid?—A. This was about the 15th of January the money was paid there; but it was not paid into the treasury until some time in February.

Q. Did Mr. Playter give you any reason for not paying this money other than the desire to negotiate the note?—A. No, sir.

Q. Was the note past due?—A. The note was past due.

Q. Did you testify before the legislative investigating committee?—A. I did.

Q. (Exhibiting the printed volume of testimony before the legislative committee.) Look at that letter on page 68, and say if you received such a letter from Mr. Curtis.—A. Yes, sir. I received that letter.

Q. Did you write such a letter as that which follows, on page 69, to him?—A. I did.

Q. That was after the final settlement?—A. Yes, sir.

Q. Be kind enough to read Mr. Curtis's letter to you and your response.—A. I will.

GIRARD, KANSAS, February 4, 1879.

MR. JOHN FRANCIS,
Treasurer of State, Topeka, Kans.:

Your telegram of the — received. I showed it to Mr. Playter. He said, in explanation, that he had made positive arrangements that the money would be paid Saturday last, and seemed very much surprised that it was not. He left here last night for Topeka, and said that he would pay the money in to-day. If he does not, please make out my receipt and telegraph me, and I will send a man with the money immediately. I cannot come myself on account of illness of my family.

Hoping that all will be made satisfactory, I am yours, respectfully,

W. B. CURTIS.

P. S.—Please don't say anything about that I am going to pay this money, as I want to get it out of Playter if possible.

W. B. CURTIS.

OFFICE OF TREASURER OF STATE,
Topeka, Kans., February 25, 1879.

W. B. CURTIS, Esq.,
Treasurer Crawford County, Girard, Kans.:

DEAR SIR: Inclosed herewith find receipt for taxes, 1878—\$4,500—in return for the \$1,500 left by you in this office on the 15th ultimo, and \$3,000 collected on Mr. Playter's check, which said check was left here by him on Saturday, the 22d instant.

I desire to say to you, and I do so with the best of feeling, that hereafter you had better attend to your own business, so far as its connection with this office and the State funds coming into your hands is concerned. If you do not desire to bring the money that you have collected due the State, express it yourself; then you will be sure to have it delivered on time, or, to say the least, have a responsible party to fall

back on, and not be likely to put me to the bother and vexation that I have been put to in the present matter.

Very truly yours,

JOHN FRANCIS,
State Treasurer.

Q. Look further at your testimony in the same book, and give the rest of the correspondence and telegrams there produced.—A. Yes, sir.

OFFICE OF TREASURER OF STATE,
Topeka, Kans., January 29, 1879.

W. B. CURTIS, Esq.,
Treasurer Crawford County, Girard, Kans. :

DEAR SIR: The package of money referred to by you, when at this office on the 15th instant, as having been by you ordered sent by express, has not been received; neither does the express agent at this place know anything about the package. You had better have the matter looked up without delay.

Truly yours,

JOHN FRANCIS,
State Treasurer.

OFFICE OF COUNTY TREASURER, CRAWFORD COUNTY, KANSAS,
Girard, January 30, 1879.

MR. JOHN FRANCIS,
State Treasurer, Topeka, Kans. :

DEAR SIR: If you get nothing from me by four o'clock Saturday next, please telegraph me, and I will forward the amount by express Monday next.

TOPEKA, KANS., *January 30, 1879.*

HON. JOHN FRANCIS :

DEAR SIR: I inclose you a note for \$3,000, which deliver to J. Merritt, esq., on his payment to you of that sum. If not paid or arranged satisfactorily with you on Monday advise me.

Yours,

F. PLAYTER.

OFFICE OF TREASURER OF STATE,
Topeka, Kans., February 4, 1879.

F. PLAYTER, Esq.,
Girard, Kans. :

Mr. Merritt left for home on Saturday. I am informed that he will return either to-day or to-morrow. He has done nothing in relation to your matter.

Very respectfully,

JNO. FRANCIS.

Q. Mr. Playter has testified that he neither asked you to buy that note and mortgage nor to take it in settlement of the Crawford County deficiency. Is that statement true?—A. No, sir; it is not true.

Q. Were these letters sent and received?—A. They were. I have the original letters that were received by me and the copies of those that were sent by me.

Q. During that time, did you receive a letter from Mr. Morris, who was then engaged in investigating the books of the treasurer of Crawford County?—A. I have such letter?

Q. I ask you to read the letter received from him.—A. I will.

GIRARD, KANS., *February 15, 1879.*

JOHN FRANCIS,
State Treasurer :

DEAR SIR: Mr. W. B. Curtis, county treasurer, is very much annoyed by the delay on the part of Mr. Frank Playter in complying with an agreement to pay into your hands the amount due the State from this county. He is desirous to have them pay the amount due the State, as the funds, or a part at least, were placed in their (the banker's) hands for this purpose. This morning Mr. Playter says that he expects Mr. E. H. Brown, superintendent Joplin R. R., to pay you by to-day, and if that is not done he will remit the amount from here Monday, the 17th inst. If this is done you will receive it by Tuesday, the 18th.

There is more of that letter. The letter was written on both sides, and only one side of it is printed here.

Q. Was the \$3,000 note upon which the names of F. M. Shaw and Frank Playter had been indorsed the same note which was afterwards sent up to you by the sergeant-at-arms?—A. Yes, sir.

Q. Is it the same note that Mr. Playter wanted you to buy or take in settlement?—A. I did not see the note at the time he wanted me to take it in settlement. He referred to the note as one he had offered to Mr. Merritt. Said he "will you not take the note and give me the receipts."

Q. You understood it was the same note?—A. Yes, sir; there was only one note.

Q. You testify, on page 67 of the legislative committee's report, as printed, that Mr. Merritt came into your office and told you that Playter had a note and mortgage which he desired to negotiate. I ask you when that was?—A. That was on the morning of the Senatorial election, at which Senator Ingalls was elected.

Q. State the date, if you recollect it.—A. It was towards the last of January; I cannot recollect the exact date.

Q. You are sure it was the day of the election?—A. The day of the election.

Q. At what time did you receive the note which Mr. Playter inclosed you?—A. I think it was Monday.

Q. The Monday preceding or the Monday following the election?—A. The Monday following.

Q. It was after the election took place?—A. It was after the election took place. It might have been the next day, but I do not think it was. I think it was the Monday following.

Q. Friday was the 31st?—A. I do not think it was Saturday; I think it was Monday, though it might have been Saturday. It was handed me by General Pratt.

Q. It was after the election had taken place?—A. It was after the election had taken place.

Cross-examined by Mr. WEBB:

Q. You say that Mr. Curtis himself left some money with you and made a statement concerning the balance due the State, \$3,000?—A. Yes, sir.

Q. Do you remember just what Mr. Curtis said about that balance?—A. My understanding was—

Q. You have twice stated your understanding. I ask, now, if you remember the words?—A. I cannot remember the exact words of Mr. Curtis.

Q. Did not Mr. Curtis say in fact that the money was in bank at Girard, and the bank would send it to you or Mr. Playter would send it to you, rather than say he had left the money in the bank or at the bank, to be sent to you?—A. No, sir. He referred distinctly to the express.

Q. To be sent by express?—A. To be sent by express; and that it was paid into the bank to be sent by express.

Q. Is it your recollection that he said it was paid into the bank?—A. My recollection is that he said he had paid it into the bank to be sent by express.

Q. The next you heard anything about that matter at all was when Mr. Merritt came to you?—A. I had written to Mr. Curtis prior to that.

Q. Next after your letter of the 29th of January, which appears on page 67 of the legislative report, and Curtis's reply on the same page,

which you say now was the morning of the election of Senator, Mr. Merritt came into your office?—A. Yes, sir.

Q. Although you stated it very clearly, I wish you to state again just what Mr. Merritt said to you in that conversation about Mr. Playter and the note and mortgage.—A. Mr. Merritt said to me that Mr. Playter was here, and wanted to pay some money into the State treasury for the treasurer of Crawford County, as near as I recollect, and that he had a note and mortgage that he wanted to negotiate, and that if it was as he, Playter, represented, he, Merritt, would buy it; but that he could not do so before Monday or Tuesday of the next week, and he asked me would that do. I told him it would, as far as I was concerned. That is the substance of the conversation, and I think pretty near word for word, most of it.

Q. Directly after that, you say Mr. Playter and Mr. Hossack came into the treasury together?—A. Yes, sir.

Q. That Mr. Playter then asked you if Mr. Merritt had made arrangements?—Yes.

Q. Now I want you to repeat what Mr. Playter said to you exactly.—A. Mr. Playter, as near as I can recollect—remember this was eight or nine months ago—

Q. All you are asked is what do you recollect?—A. Mr. Playter asked me if Mr. Merritt had made any arrangement with me about taking a note. I told him that he had not, but that Merritt had said he would take the note if it was as Playter represented, but that he could not do it before Monday or Tuesday. I referred to the fact that I had been acquainted with Merritt for some time and believed that he would do precisely as he agreed.

Q. That you said to Mr. Playter?—A. I did.

Q. What did Playter then say to you?—A. Said he, "Won't you take this note and give me the receipts?"

Q. Did he ask you then if you wanted to buy it?—A. No, sir.

Q. Did he tell you that he wanted to sell it to you?—A. No, sir.

Q. Did you not understand from Mr. Playter that he simply wanted then that you should take the note and mortgage and hold it until Monday or Tuesday when Mr. Merritt, in whom you had confidence, should pay you the money?—A. No, sir; I did not so understand.

Q. In that conversation, did not Mr. Playter tell you that he had money in the bank at Kansas City, and would have it transferred to you if you could not wait?—A. No, sir; he never named Kansas City to me nor money in a bank at Kansas City.

Q. Did he not say to you that he had money in bank and would have it transferred to you immediately if you could not wait?—A. No, sir.

Q. I know, Mr. Francis, that you are a very positive man and a very accurate man in business transactions, but it is possible for you to be mistaken about this, is it not?—A. No, sir.

Q. Not possible?—A. No, sir; it is not possible.

Q. Several days after that Mr. Playter came up here again and you saw him?—A. Yes, sir.

Q. I do not know when it was nor is the time material, but he did finally give you a check on Kansas City that you sent forward for collection and upon which the money was received?—A. Yes, sir.

Q. Do you remember what bank that certified check was upon?—A. I cannot recollect now upon what bank that was.

Q. It was at Kansas City?—A. It was on Kansas City.

Q. It was Mr. Playter's check, was it not?—A. I think it was signed

by M. Playter. I am pretty sure it was, and it was certified on the face of it.

Q. But it was Mr. Playter's check on a bank?—A. I think so, but I would not be positive as to that.

Q. And certified by the proper officer of the bank?—A. The most I looked at was the certification by the bank.

Q. Before that occasion on which he did in fact make the payment as you have stated, did he not propose to you that if you could not wait, if it was necessary to close the matter up, he would have funds transferred to you?—A. No, sir; he said that unless he could fix the matter some other way he would have the money sent up.

Q. Perhaps I have used the wrong word in regard to both these conversations?—A. That was the second conversation.

Q. I ask if at any time, either on the day of election or at the intermediate interview before the money was finally paid, he said anything about having the money sent to you if you could not wait or if it could not be arranged otherwise?—A. Yes; that was at the second interview after the Senatorial election, after he found the money had not been paid on the note. Then said he, "If I cannot fix this I will have the money sent up."

Q. At the second interview, finding that the money on the note had not been paid by Mr. Merritt, he then said to you that if he could not fix it otherwise, he would have the money sent?—A. That is what he said.

Q. Not having it fixed otherwise, he did pay it by this check?—A. He came up afterwards and paid it by this check.

Q. You have before you your testimony as given before the legislative committee. He sent you at one time a letter inclosing or covering the note and mortgage; when was that in reference to the day Mr. Merritt came to see you?—A. That was after the day I had seen Mr. Merritt.

Q. Was it the same day or the next day?—A. I cannot say whether it was the next day or not till Monday.

Q. I call your attention to the letter itself, as it appears on page 68 of this pamphlet. The date is evidently wrong. I ask you if you remember the day of the week when the final ballot was taken in joint convention?—A. Not positively. I cannot say whether it was Thursday or Friday.

Q. I will assume for the purposes of my question that it was Friday, the 31st of January, which as a matter of fact is correct, and I ask you if subsequently to that Mr. Playter sent you that letter covering the note and mortgage, requesting you to hand them to Mr. Merritt?—A. It was either the Saturday following or the Monday following.

Q. You do not quite answer my question. I do not ask you when it was, except as to whether it was after the day on which you had the interview with Mr. Merritt?—A. It was after that day.

Q. Now, look at the letter itself which reads after the date and address, the date evidently being erroneous, "I inclose you a note for \$3,000, which deliver to J. Merritt on his payment to you of that sum. If not paid or arranged satisfactorily to you by Monday advise me." Now I ask you, refreshing your recollection from that, if it was not in fact on Saturday after the election took place on Friday?—A. My recollection, after looking at that letter, is that the letter did not reach me until Monday.

Q. Now, I want to call your attention to another letter, one that you wrote on the 4th of February, which was Tuesday, and that appears on

the same page. You state there that Mr. Merritt left for home on Saturday and you were informed would return ?—A. Yes.

Q. Mr. Merritt had told you that he would take the note and mortgage if the property was as good as represented by Playter, on Monday or Tuesday ?—A. Yes.

Q. Evidently from your own correspondence he had gone home on Saturday, and on Tuesday he had not returned ?—A. Yes.

Q. Was that communication from yourself to Mr. Playter of the 4th of February sent by letter or by telegraphic dispatch ?—A. By letter, if I recollect aright ; I am sure it was.

Q. Does that print say so ? Independently of that, look at the answer below from Mr. Curtis, "Your telegram received ; I showed it to Playter " ?—A. I sent a dispatch to Curtis that the money had not been paid. I sent a dispatch, if I recollect aright, the day before to Curtis.

Q. Afterwards you say you saw Mr. Merritt and he declined to take that note and mortgage ?—A. Yes, sir.

Q. What reason did he give ?—A. That the property was not worth what it was represented to him to be worth.

Q. When did he give you that reason ?—A. I think it was Tuesday or Wednesday.

Q. The Tuesday that you wrote to Mr. Playter that he had not returned ?—A. Yes.

Q. When was it that you saw Mr. Merritt ?—A. The next day or somewhere along there, after that letter was written. I had not seen him when I wrote that letter.

Q. Soon afterwards he told you that ?—A. Soon afterwards he told me that.

Q. And the only reason he assigned for not taking the note and mortgage was that the property was not as represented ?—A. Yes, sir ; that was the only reason he gave to me.

Q. On the day of the election he told you he would take the note and mortgage of Mr. Playter if the property was as represented ?—A. Yes, sir.

Q. Did you understand from him that he was buying notes and mortgages ?—A. No, sir ; I did not so understand.

Q. Did he tell you what the particular occasion was of his going outside of his usual business and buying a note and mortgage for \$3,000 on property in Crawford County ?—A. He did not.

Q. Did he intimate to you that it would be an advantage to him as securing votes for John J. Ingalls for the United States Senate ?—A. No, sir ; neither Senator nor John J. Ingalls' name was mentioned.

Q. He told you at the time that he would take them, if the property was as represented, but that he could not do it on that day ; he would do it Monday or Tuesday ?—A. That is what he told me.

Q. That was on the day of the Senatorial election and before the election took place ?—A. Yes, sir.

Q. He was busy ?—A. He was busy.

Re-examined by Mr. WILLIAMS :

Q. Judge Webb has assumed, in a question to which you have responded, that buying notes and mortgages was outside of Mr. Merritt's ordinary business. Do you mean to be understood as saying that that is the fact ?—A. No, sir ; I do not know it ; I know Mr. Merritt to be an attorney.

Q. You do not know anything about his business ?—A. I do not know anything about his business.

Q. You know that he is a man of means ?—A. Yes, sir ; I know that he is a man of means.

Q. You started a while ago to state what you understood Mr. Playter meant when he asked you to take that note and mortgage, but you were not allowed to state it. State it now.—A. My understanding was from his language when he said, "Won't you take this note and give me the receipts," that he wanted me to take the note and he would get the receipts and I might get my money just as I could, or, in other words, the note would be mine.

Q. He wanted to sell it to you ?—A. He wanted to sell it to me.

Q. Did not the mortgage accompany the note ?—A. No, sir.

Q. Did you ever see any mortgage ?—A. I never saw any mortgage.

Q. You only saw the \$3,000 note ?—A. That was all.

Q. After the 4th of February, when this money was still unpaid, did Mr. Playter request you to write a letter to the treasurer of Crawford County that it would be all right ?—A. He did.

Q. What did you say to that ?—A. I declined to do so ; told him that I could not do any such thing, but for him to get the money.

Q. I believe you have stated that it was on the 22d of February that he finally did make this payment ?—A. He handed his check in on the 22d of February, and the money was paid on the check and returned to me on the 25th.

ALEXANDER P. RIDDLE, a witness called by the respondent, recalled for further examination.

By Mr. EVEREST :

Question. Did you hear the testimony of E. W. Majors on Saturday last ?—Answer. I did.

Q. After his testimony had been given, did you have any conversation with him regarding the condition of Mr. Hossack at the time the paper heretofore referred to was obtained from him ?—A. I had a conversation with him in regard to that subject on Saturday evening last in front of the Tefft House.

Q. Did you hear the testimony of Mr. Majors regarding Mr. Hossack's condition on the night referred to ?—A. I heard his testimony in regard to Mr. Hossack's condition on the Monday night preceding the Senatorial election. I presume that is what you mean.

Q. State what Mr. Majors said to you, if anything, regarding his testimony here before the committee.—A. I do not know that he said anything as saying that it was regarding his testimony. He approached me first and thanked me for what he said was my fair conduct in giving my testimony, sat down beside me, and began a conversation with regard to that Monday evening. He said, "The fact is, Riddle, now that it is all over with, I did see Frank Playter in the theater that evening ; I did not see Brown or Hossack at the time I saw Playter, but afterwards I saw two men going out ; I saw their backs, and could not swear that they were Brown and Hossack, but I believe they were, and from the manner in which Hossack put his hat on I know that he was full. Afterwards, when I went home that night, which was quite late, I found the door locked."

Q. That is what he told you ?—A. That is what he told me at that time that I spoke with him, on Saturday evening. He said, "I found the door locked ; Judge Holmes unlocked it to let me in ; I was usually in first, and we left Hossack to close the door ; I thought perhaps Hossack was in, and inquired and found he was in bed. I went up, and

Hossack appeared to be quite sick ; was on the bed. During the night he got up several times and vomited. I knew he was very drunk ; the fact is he told me the next day that he had been drunk and apologized for it, saying he had been with 'Ed. Brown.'"

Q. That is the statement made by Mr. Majors after he had given his testimony here before this committee ?—A. It was.

Q. Is this Brown the same one mentioned in the testimony of Mr. Majors ?—A. I suppose it is the same Brown. We were talking about E. H. Brown.

Q. Is he superintendent of the Joplin Railroad ?—A. He was at that time.

Q. Did you hear the testimony of Mr. Francis ?—A. I did.

Q. Is this the same Brown referred to in his testimony ?—A. I do not know who Mr. Francis meant ; I presume it is the same one. He is connected more or less with Mr. Playter, and was at that time here.

Q. You have read the testimony of Mr. Majors given before the legislative committee, have you not ?—A. I have.

Cross-examined by Mr. WEBB :

Q. Did you read Mr. Majors' testimony given on Saturday, as published in the papers ?—A. I did.

Q. This conversation that you have now detailed and his statement to you occurred on Saturday evening ?—A. Yes, sir.

Q. Did you understand then, and do you now, that any statements which he made to you and which you have repeated here contradicted or conflicted with the testimony given by him here ?—A. I then understood and now believe it was in direct contradiction.

Q. In what respect ?—A. I understood him to say here on Saturday that he did not at any time see Mr. Hossack drunk. He afterwards told me that he did see him drunk on that night and knew that he was.

Q. In what other respect ?—A. That is the only respect that I know it to be in direct contradiction to what he said before.

Q. In this conversation that you had with him on Saturday night, did he fix the time and occasion on which he saw Hossack drunk as Monday night ?—A. Yes, sir.

Q. The 27th of January ?—A. I do not know what the date of the month was ; I know it was the Monday night preceding the election.

Q. Did you hear Mr. Majors testify in regard to the condition of Mr. Hossack on Thursday night ?—A. I did.

Q. You heard him state that he saw Mr. Hossack and others at the theater or opera-house on Thursday evening and then went up to the capitol to the anti-Ingalls caucus, did you not ?—A. I do not recollect that he said he saw them at the opera-house on Thursday evening. I recollect that he said Hossack was not drunk on that evening.

Q. If as a matter of fact Mr. Majors did not testify here that he had not seen Mr. Hossack intoxicated at all during the winter, then you would not find any contradiction between his testimony here and his statement to you ?—A. I do not know whether I comprehend your question or not. I understand you to ask, if he had not sworn that he had not seen Hossack at any time drunk, I would not think he lied.

Q. I am asking you to answer my question.—A. That is it I would not think he had contradicted it. That was your question, I think.

Q. No, sir.—A. That is why I did not understand it.

Q. I ask you now, and tried to ask you before, this question : If Mr. Majors did not in fact testify here that he had not seen Mr. Hossack intoxicated, you would not find any contradiction between the statement

made by him to you on Saturday night and his testimony given here, would you?—A. If I had not thought he had sworn that he had not seen him intoxicated, I would not think there was any contradiction. That is what I want to say.

Q. Now, do you undertake to say that Mr. Majors did testify here that he did not see Mr. Hossack intoxicated at all during the winter?—A. I believe I heard Mr. Majors state in so many words that he did not see Mr. Hossack drunk at any time previous to the Senatorial election.

By Senator BAILEY:

Q. What is Mr. Majors' reputation and character?—A. It is not very good just now.

Q. What was his reputation and character before this controversy arose?—A. Myself and a number of other thought it was not very good. There were quite a number who thought it was.

Q. What was his general reputation?—A. As to the term "general" I cannot define it. There were a great many who thought he was a defaulter to the county in a large sum of money, and prosecution against him for that amount was then under progress. He was in the habit of drinking a great deal from time to time. That is all I know about his reputation.

Q. I am speaking of his reputation as a man of truth?—A. I had no reason to know before this that he was not a man of truth.

Mr. WEBB. Mr. Chairman, I now feel it almost a necessity to ask this witness some further questions in regard to Mr. Majors, if the members of the committee are through.

The CHAIRMAN. Proceed.

By Mr. WEBB:

Q. I know, Mr. Riddle, you will do yourself the justice to say that you are very much prejudiced against Mr. Majors?—A. I do not believe I am prejudiced; I do not like him.

Q. You have already given testimony that you are one of the editors of the Girard Press?—A. I have.

Q. Has not your paper said for many months, and is it not now in almost every issue saying very severe things against Mr. Majors with respect to the alleged defalcation of his as county treasurer of your county?—A. No, sir; not in that form.

Q. In what form?—A. Previous to suit being brought against Mr. Majors we did say very severe things of him. During his canvass for the election as representative we did say very severe things about him, because we believed they were true, believing as I now know him to be in default to the county. We thought that a sufficient reason to say them and we said them.

Q. Was not Mr. Majors twice elected to the office of county treasurer of your county?—A. He was.

Q. Was he not removed from office by the board of commissioners?—A. Yes, he was.

Q. Before his time expired?—A. Yes.

Q. Under a statute authorizing them to make the removal?—A. Yes, sir.

Q. After that, was he not nominated by some of the people— A. The Greenbackers and Democrats, yes.

Q. Very well, nominated by the Greenbackers and Democrats and elected as a member of the legislature?—A. He was.

Q. That was last fall?—A. Yes, sir.

Q. Now, I ask, whether, after his removal from office, he was not prosecuted criminally in your court?—A. He was.

Q. Charged, by information, with the crime of embezzlement?—A. He was.

Q. Was he not tried and acquitted?—A. He was not.

Q. Then what was it?—A. The jury disagreed.

Q. Then what?—A. Then, pending the suit coming up again, the supreme court issued some kind of a paper that I do not understand, not being a lawyer, but it boosted Mr. Majors out of the office.

Q. Then what with respect to the criminal suit?—A. He having been removed from office, and further danger to the funds having been thereby set aside, the commissioners authorized the county attorney to enter a *nolle* in the criminal case, and they were satisfied with the civil suit.

Q. A *nolle* was entered as to the criminal proceedings against Mr. Majors?—A. Yes, sir. I do not want to try that case here.

Q. I know you do not want to try it here; but have you not tried it in your paper long enough?—A. And succeeded.

Q. And civil suits were then brought against Mr. Majors?—A. Yes, sir.

Q. Which have been tried and determined?—A. Yes, sir.

Q. Judgment rendered against him for the deficiency?—A. Judgment has been rendered in one, I believe, but the court has not entered judgment in the second, though the referee has made a finding.

Q. Now, in regard to Mr. Major's truthfulness. Senator Bailey, a member of the committee, asked you a question in regard to that. I want you to repeat, if you can, the answer you made the Senator as to what was his reputation for truth.—A. The Senator asked me what is his reputation for truth. I said that I had not before now thought him untruthful. I mean by that that I would not think he would lie upon oath. I now do.

Q. Grounded upon what?—A. On his lying now on Saturday last.

The CHAIRMAN. The question is as to general reputation.

The WITNESS. I speak as to his general reputation. Many thought him unreliable, thought him a bad man, thought him untruthful, thought of him worse things than that, while others, his warm friends, thought otherwise. As to general reputation, I cannot strike the balance, and just say what he generally was among all of them. I know there were very many who thought him a bad man—thought him untruthful.

Q. (By Mr. WEBB.) You have been intimately acquainted with him and his reputation among your people for many years?—A. I know his reputation among those of the people with whom I am intimate.

Q. And until the conflict that you think you discover between his testimony on Saturday and his statement to you on the night of Saturday, you yourself believed that he would tell the truth under oath, did you not?—A. Yes.

Q. You believed that he was an honorable and truthful man when put to the test required by the law?—A. I did.

JOHN W. GEORGE, a witness called by the respondent, sworn and examined.

By Mr. EVEREST:

Question. Where do you reside?—Answer. I reside in Jewell City, Jewell County, State of Kansas.

Q. Do you know James W. Heinecke?—A. I do.

Q. Do you know John M. Hutchison?—A. I do.

Q. Do you reside in the district which was represented by Mr. Hutchison in the last legislature?—A. I do.

Q. Were you at Topeka during the last Senatorial contest?—A. I was.

Q. State, if you know, what the sentiments of the voters of that district were in regard to their preference or choice for United States Senator.—A. I take it from a petition that was signed by the citizens of the 109th district after Mr. Hutchison had left home and was in the legislature, that the sentiment was four-fifths in favor of John J. Ingalls, because a petition to that effect was signed after he was here, as far as could be reached in a short time, after they learned that he was supporting another candidate. The petition Mr. Hutchison had in his possession here at the legislature.

Q. Were you at Topeka during that Senatorial contest? If so, state what brought you here, and what took place between you and Mr. Heinecke, if anything, regarding the Senatorial matter.—A. I came into Topeka on Saturday previous to the Senatorial election; I believe it was on the 25th; it was the Saturday previous to the election at any rate. I staid till next Friday, at four o'clock, the day after the election of United States Senator. I came to Topeka on business of my own, individual business, not private business, but individual business, having some mail contracts in my hands, desirous of a change of schedule, being advised by old stage men as to the proper course to take. After conversing with our senator of that district, Mr. Carpenter, Mr. Bishop, of the 108th district, I think, advised me to go down during the session whilst our Congressmen would be in Topeka, some of them at least would be here and they would assist me, and would get the matter properly before the department, and expedite the matter as much as possible. Consequently I came firstly in my own interest. Just before my departure from home my neighbors and the constituents there in the town and vicinity told me that they were not being represented, that they wished me, if possible, if I could do anything in the interest of Mr. Ingalls to do so. That was my instruction from my constituents there when they found I was coming down. After I accomplished my own errand, which I did, if my memory serves me right, on Monday, in company with Mr. Carpenter, Mr. Bishop, Mr. Ingalls, Mr. Phillips, and I believe our Representative who succeeded Mr. Phillips was present, though he had not taken his seat, they rendered me what assistance they could; the matter was placed in a proper shape and forwarded. On that day Mr. Heinecke, being from the same neighborhood and district, came in. He was in the interest of Mr. Phillips for certain reasons, which were not very uncommon. Mr. Phillips had some warm supporters and friends there. He worked in the interest of Mr. Phillips as long as there was any prospect of his election. When there was no prospect, after a conference with him and Mr. Phillips and myself, I then asked him whether or not he could fall in and help in the interest of Mr. Ingalls. He said he could, as he thought that our people were either for Mr. Phillips or Mr. Ingalls almost entirely. In conversation with him, however, perhaps rather before that, I made a statement that I thought it would be best for us if we could come as a solid delegation from that part of the country for our successful Senator, which I believed to be Mr. Ingalls, and remarked, as I had learned just the evening before, that through Mr. Plumb and Mr. Phillips, or Mr. Plumb—I cannot say positively, but my understanding was that through Mr. Plumb and Mr. Phillips the name of one of our citizens, Hon. George S. Bishop, had been presented to the department for a position in the land office at Concordia, Kans. That being the case, I remarked to him

"could we come in a solid delegation we might have claims on our Senator that we could not have otherwise, and it would amount to us as a people, as a general public, to just what the salary of that officer might be." That was the remark made to Mr. Heinecke. Mr. Heinecke seemed to take hold of the idea, and went right to work in the interest of Mr. Ingalls. That is, as I remember, all the conversation I had with Mr. Heinecke.

Q. Did you have any conversation with Mr. Ingalls after you saw Mr. Heinecke?—A. I do not think I had. I do not remember having any conversation at least.

Q. You speak of your "constituents." What office do you hold there?—A. I am not holding any office.

Q. What office did you then hold?—A. I did not hold any.

Q. You had been probate judge?—A. I was probate judge four years preceding that.

Q. You were also a candidate against Mr. Hutchison?—A. I was a candidate against Mr. Hutchison in the 109th district.

Q. That conversation with Mr. Heinecke occurred on what day?—A. I think it was Wednesday, but I will not say positively.

Q. Your object was to have a united delegation from your section of the State?—A. Yes, sir.

Q. For the purposes of aiding the interests of your section of the State and also the interests of Mr. Bishop?—A. Yes, sir; that was the idea.

Cross-examined by Mr. WEBB:

Q. How long have you resided in Jewell County?—A. It will be eight years in October coming.

Q. You held the office of probate judge of your county four years?—A. Yes, sir.

Q. You ran for the legislature last fall?—A. Yes, sir.

Q. And did not get elected?—A. No, sir; got left.

Q. You ran on the Republican ticket?—A. Yes, sir.

Q. As the nominee of the Republican party?—A. Yes, sir.

Q. Mr. Hutchison was the successful candidate in your district?—A. Yes, sir.

Q. What was his majority?—A. One hundred and sixteen or 117, I think.

By the CHAIRMAN:

Q. What is the voting population of your county?—A. The voting population of our county is about 2,400.

By Mr. WEBB:

Q. What is the voting population of your district? How many votes did you get for representative? That will tell us.—A. I do not remember.

Q. About how many?—A. About 300.

Q. Then he received about 415?—A. I think so.

Q. Making 715 votes in your district?—A. I think likely about that.

Q. Counsel got you to say that you had been probate judge and had been a candidate for the legislature. Now, I ask you if you were not a mail contractor?—A. Yes, sir.

Q. And you were last fall and winter?—A. Yes, sir; I have been for over five years.

Q. It is not a very new business to you, then?—A. No.

Q. Did you ever before come to Topeka when the legislature was in

session to fix up your mail contracts ?—A. I never went to fix up mail contracts ; I have been to Topeka almost every winter on business.

Q. I ask if you ever came here before for the purpose of fixing up your mail contracts ?—A. I did not.

Q. It was convenient to come down here just before the Senatorial election ?—A. It was.

Q. Counsel asked you what brought you here. You live in Jewell City. How did you get from there to a railroad ?—A. I rode on a hack down to Beloit, took the railroad and came to Atchison, and from there to Topeka.

Q. Did you ride on a pass from Beloit to Topeka ?—A. I did, and on a pass in the hack ; we do not pay one another much for riding.

Q. Was it one of Ingalls's passes ?—A. No, sir ; Mr. Ingalls never gave me a pass.

Q. Was it not countersigned by Mr. Ingalls ?—A. No, sir.

Q. Are you certain ?—A. I am certain ; I have one of the passes in my pocket now.

Q. I am speaking of the railroad pass ?—A. It was the railroad pass I rode on as far as there was any railroad.

Q. Now, I do not care to go through that long and interesting business transaction between yourself and Senator Ingalls and Mr. Phillips and other prominent and distinguished men, in regard to your business affairs in regard to mail contract business, but I want to come to the time after that thing was finished up on Monday, as you say it was. Then Mr. Heinecke was here ?—A. Please let me correct you.

Q. Certainly if I am wrong, I would be glad to have you correct me.—A. I think I said my business was for a change of schedule in mail contracts.

Q. Very well ; that is an important correction, and I am sorry to have fallen into an error necessitating a correction ; now go on ; that was all finished up so that you were at leisure to be entertained by, and entertain Mr. Heinecke on Monday, were you not ?—A. No, sir.

Q. How about it ?—A. The business was finished up on Monday, but I do not think I entertained Mr. Heinecke till Wednesday.

Q. While you were here, did you visit the headquarters of Senator Ingalls ?—A. I did visit the headquarters of Senator Ingalls, Governor Anthony, William A. Phillips, and Benjamin F. Simpson.

Q. That was very kind of you to answer as to all the gentlemen before I had an opportunity to ask.—A. I was afraid you would not ask.

Q. When did you first enter the sacred premises occupied by Senator Ingalls ?—A. I think it was on Monday forenoon.

Q. Had you not been in there before that ?—A. I do not think I had been in until Monday forenoon. I got here in the afternoon of Saturday.

Q. Were you in there on Tuesday ?—A. I think I was.

Q. On Wednesday ?—A. I think likely.

Q. On Thursday ?—A. On Thursday.

Q. And on Friday, the day the Senator was elected ?—A. Yes, sir.

Q. When did you first see Mr. Heinecke ?—A. I saw Mr. Heinecke on his arrival. I think it was on Monday evening.

Q. You said he came over here in the support of Mr. Phillips ?—A. Yes, sir.

Q. Do yourself and Mr. Heinecke reside in the same representative district ?—A. Yes, sir.

Q. The district in which the sitting member, Mr. Hutchison, received 115 majority, or thereabouts ?—A. Yes, sir.

Q. When was it that your people told you that your district was being misrepresented?—A. It was right along before my departure from home, about the 20th to the 23d of January, or even before that, they had petitioned Mr. Hutchison.

Q. I did not ask you yet about the petition. How did your people learn that your district was being misrepresented?—A. They learned by reading the papers that he was supporting a candidate that they had not expected he would support.

Q. Whom was he supporting?—A. He was supporting Mr. Mitchell.

Q. Was he not elected as a Greenbacker and a Democrat?—A. The Greenbackers and Democrats voted for him with the expectation that he would support Mr. Phillips.

Q. At the time you left home, there had been no vote taken?—A. No; but they had the understanding how he stood in the matter.

Q. He was a Phillips man, you say. Your friend Mr. Heinecke came down here to work for Mr. Phillips?—A. He came down the same day I did, but stopped off at Waterville, I think.

Q. Who circulated that petition in your district?—A. It was kept in one of the stores, and also in the post-office.

Q. Who asked people to sign it?—A. Mr. Warwick, the postmaster there, and Mr. Knapperberger, an attorney.

Q. Anybody else?—A. Not that I know of.

Q. Did not you?—A. No, sir; I did not.

Q. You were satisfied with the sentiment of the district as having expressed their judgment at the polls, were you not?—A. Of course I was satisfied that I was left out. As a Republican, I submitted to the judgment manfully.

Q. Did you see that petition?—A. Yes, sir.

Q. Was it sent to Mr. Hutchison?—A. It was.

Q. Did you bring it down?—A. It was sent by mail.

Q. Before you left or after?—A. Before I left.

Q. Did you count the names on it?—A. No, sir.

Q. Do you know how many names there were on it?—A. I do not.

Q. Did you see it?—A. I did.

Q. About how many names were on it when you signed it?—A. I cannot say, for it was kept there a day or two after I saw it. There were only 15 or 20 on when I first saw the petition, and I do not know but that was the only time I saw it.

Q. Why did you say that a petition containing four-fifths of the voters of your district had been sent to him?—A. I did not say the petition contained four-fifths.

Q. Well, a petition that indicated that four-fifths of the people favored Ingalls?—A. I said he was not acting in accordance with the will and wishes of that number of the people that were in sympathy with Mr. Ingalls and Mr. Phillips.

Q. When you were down here was there any talk about your being appointed postmaster of your place?—A. No, sir; there was a gentleman who told me he understood I was aspiring.

Q. Who told you that?—A. Mr. Heinecke.

Q. He flattered you by telling you he thought you was aspiring to be postmaster?—A. No, he said Mr. Hutchison told him. I do not know how that was. I had not aspired to the postmastership. I could have had it if I wanted it, but I had refused it three times positively; therefore I did not come to Topeka to work for it; I never asked for it, nor any other position in the gift of the administration.

Q. You say that one of your citizens, George S. Bishop, was an aspi-

rant for the office of register of the land office ?—A. I did not say he was an aspirant.

Q. You said there was talk about his having that place ?—A. Yes, sir.

Q. And that you and Mr. Heinecke were talking in some way how it would be an advantage to your people if he could get the office at Concordia ?—A. Yes, sir.

Q. Tell us how it would be an advantage, how you and Mr. Heinecke figured it up to be an advantage to your people.—A. Well, if Mr. Bishop had obtained a position, from a financial standpoint, whatever he got, as he was a citizen of our county town, would amount to that much capital, so far as we were concerned, from a general standpoint. That was the idea exactly.

Q. If one of the citizens of your county could get to be appointed register of the land office at Concordia, it would be so much capital to the people of your county to bank on ?—A. He is farming and carrying on business there.

Q. Did you expect he was going to bring home a salary of \$500 and distribute it among the poor of your county ?—A. No, sir ; I did not make any such supposition.

Q. Did you suppose he was going to stay on his farm and attend to his business as register of the land office at Concordia, or did you not suppose he would remove his family to Concordia, thus depleting your population so much and extending his expenditure so much ? What did you think about it ?—A. His farm is in the county near the county seat, and he has no family. When he takes his hat and valise he has them all with him, and comes and goes at his leisure.

Q. Did you think he would come back to your town to have his washing done, or would he have his washing done at the land office ?—A. As to that he could suit himself. We did not make any demands on him in that direction ; we had not supposed anything about that.

Q. Do you pretend to say that you and Mr. Heinecke, two intelligent gentlemen, here at Topeka, were discussing the advantages to the people of your district of having Mr. Bishop appointed to the office of register of the land office at Concordia ; that that was a subject of discussion between you and himself in that respect ; do you mean to say that ?—A. We feel an interest in the welfare of our citizens.

Q. Answer my question. Did you and Mr. Heinecke discuss in a serious manner the importance to the people of your county of having that man appointed to that office ?—A. We did not discuss it in a serious manner, it was merely a remark of my own.

Q. Was it a joke ?—A. It was matter of my own to introduce the subject properly to Mr. Heinecke, and that we might look in a general way to the welfare of our citizens, and by so doing guard and protect and advance and enhance the interest of our county and our citizens ; and that being the case, if we could come in a solid delegation for our successful man, I assumed it would be a good thing for us.

The CHAIRMAN suggested that the examination was becoming frivolous and had nothing to do with the case, and that counsel should direct their questions to the real point at issue.

Mr. WEBB. We are through with the witness, Mr. Chairman.

The committee took a recess till 2 o'clock p. m., and resumed its session at that hour.

JAMES A. HOSSACK, a witness called by the respondent, sworn and examined.

By Mr. WILLIAMS :

Question. Where do you reside ?—Answer. At present I reside in Joplin, Mo.

Q. Were you a member of the last legislature of the State of Kansas ?—A. Yes, sir ; I was.

Q. From what district ?—A. From the 40th district, Crawford County.

Q. When did you arrive in Topeka to attend the legislature ?—A. I arrived here on the 11th day of January, 1879.

Q. Did you have any preference for United States Senator when you came here, and before you came ?—A. I did.

Q. Who was it ?—A. John J. Ingalls.

Q. Did you see Mr. Ingalls after your arrival ?—A. I did.

Q. How soon ?—A. I cannot give the exact date, but shortly after his arrival in the city.

Q. Where did you see him ?—A. I met him in his rooms in the Tefft House.

Q. Did you have any conversation with him then in regard to your vote for United States Senator ?—A. A few words merely.

Q. Did you tell him for whom you intended to vote ?—A. Yes, sir.

Q. What did you tell him ?—A. I told him I should vote for him.

Q. Did you say anything to him about having authorized Senator Ping to make that statement ?—A. No, sir. I had a talk with Senator Ping and he told Mr. Ingalls that I was favorable to him. Mr. Ingalls said he was glad to see me, that Ping had told him I was favorable to him. I told him I was and expected to vote for him.

Q. Did Senator Ingalls ever pay you any money, or any other thing of value, in consideration of your vote for him for United States Senator ?—A. No, sir ; he did not.

Q. Did Senator Ingalls ever offer you any money, office, position, or thing of value of any kind whatever in consideration of your vote for him as Senator ?—A. No, sir.

Q. Did he ever have occasion in any wise to solicit your vote otherwise than as you have stated ?—A. No, sir.

Q. You came here intending to vote for him ?—A. I came here as an Ingalls man ; was instructed by my constituents, a great many of them.

Q. Had you previous to coming here told other parties you intended to vote for Mr. Ingalls ?—A. Yes, sir.

Q. Had you told other members of the legislature in the senate and house ?—A. Yes, sir ; I told a great many of them.

Q. Did you ever sign a statement in writing to the effect that Mr. Ingalls had paid you money for your vote ?—A. I believe I signed some kind of a paper.

Q. You say you did sign a statement to that effect ?—A. I think that I did.

Q. Did you produce the original statement to the legislative investigating committee when you were a witness there, and submit it to their inspection ?—A. I did.

Q. I ask you to look at this printed copy of it. (Handing the printed report of the legislative committee, page 49.)—A. (Examining.) That is the statement they claim I signed.

Q. You produced the original statement ?—A. I did.

Q. It had your signature to it ?—A. Yes ; I think it was my signature.

Q. I ask you if you signed any paper of that kind on the 30th of

January, 1879, which would have been Thursday ?—A. No, sir; I did not.

Q. Do you know positively when or where you did sign that statement, if at all ?—A. I have no recollection of signing the paper.

Q. State under what circumstances during your career here and at what time it was possible that you did sign that paper, if you signed it at all; state to the committee fully the occasion or occasions upon which it is possible you may have signed a document of that kind and the circumstances under which you may have done it, if you did.—A. I may have signed such a statement on Monday night, the 27th of January.

Q. Under what circumstances? Where were you Monday night and with whom ?—A. I was with Mr. Playter and Mr. E. H. Brown, of Girard.

Q. Frank Playter, a witness who has testified here ?—A. Frank Playter.

Q. Where were you during the night ?—A. We were knocking around town visiting refreshment saloons.

Q. Did you get drunk ?—A. Well, I should remark that I got pretty drunk.

Q. Was Mr. Playter a drinking man ordinarily ?—A. No, sir.

Q. Did he drink with you that evening ?—A. He did several times.

Q. Quite considerable ?—A. Yes, sir.

Q. Did he tell you about any trouble with the State treasurer, any matter that he had to settle ?—A. He told me that evening that he had a settlement to make with the State treasurer and said I could assist him very much by signing a document. I did not ask him what the document was. I told him if I could help him in any way, I would do it.

Q. Now state when you first started off with Playter and Brown that night—state, so far as your recollection will enable you to do so, where you went, the times that you went from place to place, and the last thing you recollect that night. State it all fully to the committee.—A. I met Mr. Brown and Mr. Playter after supper. They asked me where I was going that night. I said I was going to the Republican caucus. They wanted to know whom I was going to vote for. I told them "for John J. Ingalls." They told me I had better not go to the caucus. Playter said if I would keep away from the caucus and keep myself unpledged they could make some money out of it for me and for themselves. I told them I had no wish to make any money in that way; that I had promised Mr. Ingalls to vote for him, and I should go to the caucus. They stood and talked some time. Finally they asked me to go and take a drink. At first I refused, but finally consented, and went to Zimmerman's and took a drink with them. Mr. Playter drank with me at the bar. There were several gentlemen in there—I do not remember who they were—at the time. We left there and went to the Tefft House and staid around there awhile, and I spoke of going to the caucus again. Playter said, "You had better take another drink before you go." Said I, "All right." We went into the Tefft House and took a drink. From there I think we went to Zimmerman's again, drank several times there, and we went into the theater some time during the night; I do not remember when it was. We were in Poppendick's and drank there. That is about as far as my recollection goes in that respect. I wakened up some time during the night in my room, at Judge Holmes', very sick.

Q. Is that all you recollect of that night ?—A. That is about all I recollect occurring that night.

Q. Do you recollect what occurred on the night of January 30, the date this instrument purports to bear?—A. That was Thursday.

Q. Do you recollect where you were or with whom?—A. Thursday night I met Col. C. J. Hawley, our postmaster at Girard, and Mr. Vickers, formerly a member of the legislature. In their company and Mr. Brown's and Playter's I went to the theater. We staid there, I think, during the whole performance. We afterwards returned to the Tefft House, and I was around among the crowd there till the neighborhood of one o'clock. I then went to the State-house. They were holding an anti-Ingalls caucus there. I went up there to see what they were doing, and I returned and was in among the crowd again, and went to the State-house again, probably about three o'clock; returned to the Tefft House; was with the crowd there until about four o'clock, when I returned to my room.

Q. Were you in Mr. Playter's room that night?—A. No, sir.

Q. Were you alone with Mr. Playter at any time during that night?—A. I was not.

Q. Did you sign any such paper that night?—A. I did not.

Q. Did you pay Mr. Playter any money that night?—A. I did not.

Q. Could you have signed this paper upon any time between Monday and the election other than this Monday night, without your knowledge?—A. No, sir; I do not think I could.

Q. You did not sign it, then, on Thursday, the 30th?—A. I did not.

Q. And upon no other night, unless it was on the night of Monday preceding the election?—A. Monday night was the only night I could have signed it, or I would have remembered it.

Q. Are any of the statements in that paper true?—A. No, sir.

Q. Would you have signed a paper of that kind if you had known what it was?—A. No, sir; I would not.

Q. Did you ever knowingly sign that paper?—A. No, sir.

Q. Did you ever make to Mr. Playter any statement similar to the statement contained in that paper, or to any one else?—A. No, sir; I did not.

Q. What was your financial condition when you came to Topeka; were you "flush" or "busted"?—A. Well, I was a little financially embarrassed.

Q. You did not have much money?—A. I did not.

Q. Were you indebted to Mr. Playter?—A. I owed Mr. Playter \$244, a note.

Q. Was he "boning" you for it?—A. Yes, sir.

Q. Did you pay him?—A. I did.

Q. When?—A. I paid him on Thursday afternoon.

Q. In the daytime?—A. Yes, sir.

Q. Where?—A. In his room in the Tefft House.

Q. Were you perfectly sober then?—A. I was.

Q. And signed no paper of that kind at that time?—A. I did not.

Q. Where did you get the money?—A. I had a portion of the money, my own, and I borrowed \$200 of Mr. James S. Merritt.

Q. State fully to the committee the circumstances under which you borrowed that money, when and where it was, who were present, the time of day or night, and everything connected with it.—A. I went to see Mr. Merritt; told him how I was situated; that I owed Mr. Playter this note of \$244; that they were trying to use me in order to make some money for themselves, and were trying to get my vote for Mr. Anthony, and that I would like to borrow \$200 of him, and, with what I had, I would pay Mr. Playter. I think he went off and asked Mr.

Ping what kind of a man I was, and came back, and finally said "I will give you the money." I offered to give him a note at the time. He said, "I don't want your note." He gave me the money on that.

Q. Where was this?—A. It was in room 21 at the Telft House.

Q. Who was present?—A. I think Colonel Hallowell and Mr. Wilson. There might have been others there; I do not remember now.

Q. How was the room, lightened or darkened?—A. The room was lighted, as it always was in the day-time.

Q. Have you stated the time of day or evening it was that this occurred?—A. I do not know that I stated, but I think it was in the evening.

Q. Late or early?—A. I cannot say now; it was probably between eight and nine o'clock.

Q. At that hour of the evening were parties continually coming into and going out of that room?—A. Yes, sir.

Q. Was it locked during this interview?—A. No, sir.

Q. Do you know whether the door was shut or not?—A. I cannot say; I do not think it was.

Q. Was the conversation carried on in an ordinary tone?—A. Yes, sir.

Q. Where were you standing or sitting?—A. I do not know that I could tell now. I think they were sitting on the bed.

Q. You have stated all the conversation that took place between you and Mr. Merritt?—A. Yes, sir.

Q. Did you borrow any other money?—A. I did.

Q. How much?—A. I borrowed \$100.

Q. From whom?—A. From Judge Perkins.

Q. Who is Judge Perkins?—A. He is the judge of the eleventh judicial district of Kansas. He lives at Oswego. I was acquainted with him in Illinois; knew him before he came here, and that was the reason I asked him for the money. I thought I would be more likely to get it from a man I knew.

Q. Did he take your note?—A. No, sir.

Cross-examined by Mr. WEBB:

Q. How old a man are you?—A. I am thirty-one years old.

Q. When did you come to Kansas?—A. I came to Kansas in February, 1877.

Q. Did you locate in Crawford County?—A. I did.

Q. In November, 1878, you were elected to the house of representatives?—A. Yes, sir.

Q. Were you the nominee of the Republican caucus?—A. I was.

Q. During your residence in Crawford County and previous to your nomination, had you become pretty well acquainted with the people of the county?—A. No, sir; not throughout the county. I was acquainted with most of the prominent men throughout the county.

Q. Do you know what the general public sentiment of the Republicans of your county was with respect to a choice for United States Senator up to the time you were nominated as representative?—A. Yes, sir; I do as to my district.

Q. What was it? Who was the choice of the people?—A. John J. Ingalls was the choice of the people in my district, as far as I could learn.

Q. Was there a district convention held at which you were nominated for representative?—A. No, sir; they hold their conventions all together for the two districts; that is, they meet in the same place, meet in the court-house at Girard.

Q. There was a separate convention of the delegates from your representative district?—A. Yes, sir; there was.

Q. That designated you for representative?—A. Yes, sir.

Q. Did that separate district convention pass any resolution or vote of instruction in respect to the choice of the Republicans of that district for United States Senator?—A. No, sir; they did not.

Q. Were you at the time you were nominated friendly to John James Ingalls for Senator?—A. Yes, sir.

Q. Had you ever seen him up to that time?—A. I had not. I had heard a great deal about him.

Q. Did you avow at the time of your nomination a preference for Mr. Ingalls?—A. No, sir; I did not publicly.

Q. Did you avow at that time a preference for anybody?—A. No, sir; I did not publicly.

Q. You say that the Republicans of your district, a majority of them, preferred Mr. Ingalls?—A. Every man that I talked with on the subject was in favor of Mr. Ingalls. I can name a few of them if you wish to know them.

Q. I will ask for them when I want them. You say you had heard a great deal of Mr. Ingalls and were friendly to his re-election?—A. Yes, sir.

Q. With the sentiment of the Republicans of your district and your own judgment concurring, why did you not avow yourself an Ingalls man?—A. I did as soon as I came to Topeka.

Q. The election was held in November. How long before that were you nominated?—A. I do not remember just exactly when it was; some six weeks or two months before the election.

Q. Then you were nominated some time in the month of September, about two months before the election?—A. I think probably I was.

Q. During the two months that intervened between your nomination and the general election in November, with a prospective constituency pronounced in favor of Mr. Ingalls, and Mr. Ingalls being your own choice, why did you not announce yourself as an Ingalls man?—A. The Senatorial election did not enter into the canvass in our county at all.

Q. Did it enter into the discussion?—A. It did in private circles.

Q. Was it known by everybody there, who desired to know your opinions, that you were a pronounced or an emphatic Ingalls man?—A. No, sir; it was not known by everybody.

Q. I did not ask you that. I asked if it was known by everybody there who desired or cared to know or asked concerning it?—A. I think it was probably.

Q. Do you know Mr. A. P. Riddle, one of the editors of the Girard Press?—A. I do.

Q. Did he ever ask you whom you were in favor of for United States Senator?—A. I think probably he did.

Q. Do you know whether he did or not?—A. No, sir; I do not.

Q. Do you not know that he was the friend of George T. Anthony for Senator?—A. I know that he was.

Q. Do you not know that he came to you and asked you who your choice was and that you refused to tell him?—A. I do not know whether I did or not. There were so many men asked me, that I do not remember whether Mr. Riddle asked me or not.

Q. Did you ever refuse to tell anybody who your choice was?—A. I do not know that I committed myself to any one.

Q. If you did not commit yourself to any one, how was it known to

all Ingalls' friends there that you were for Ingalls?—A. Because I told all Ingalls' friends I was for Ingalls.

Q. Then you did commit yourself to Ingalls' friends?—A. Yes, sir; I did.

Q. Were there any prominent Republicans in your county that were not Ingalls men?—A. I do not know of any in my district.

Q. I did not ask you about your district, but about your county?—A. What has the county got to do with my district?

Q. You answer my questions.—A. What is your question?

Q. Were there any prominent Republicans in your county that were not friendly to Mr. Ingalls, that were opposed to him?—A. There were some that had a choice for Mr. Anthony first.

Q. You knew that fact?—A. I did.

Q. Had Mr. Anthony been down there in your county?—A. I do not think he was there that fall.

Q. Had he been there and made public speeches in your county?—A. Yes, sir; he had.

Q. Had you attended his meetings?—A. I had never attended any of his meetings. I had never met Mr. Anthony.

Q. After the election did you tell everybody that mentioned the Senatorial question or election that you were for Ingalls?—A. No, sir; I do not think I told everybody; it would have been quite a task.

Q. Everybody that asked you concerning it?—A. Well, I do not know whether I did or did not. I do not think I did. I endeavored to find the sentiment, as near as I could, of my district without committing myself.

Q. After your election, before committing yourself to any one candidate, you desired to know what your constituents felt on the subject?—A. Yes, sir; I did.

Q. And to that end you took pains to inquire from the prominent Republicans whom you were to represent what the views of themselves and the other Republicans there were?—A. Yes, sir.

Q. Up to that time you had not committed yourself positively to anybody?—A. No, sir; I do not think I had.

Q. When was it that you first announced yourself unqualifiedly, undisguisedly an Ingalls man?—A. I cannot give the date exactly, but I went into the Ingalls caucus either Friday or Saturday night preceding the election.

Q. Now state again—because I did not hear the date myself—what day was it that you arrived here?—A. I arrived here on the 11th of January, 1879.

Q. That was some four or five days before the legislature met, was it not?—A. That was Saturday and the legislature met on Tuesday.

Q. When did you first see Mr. Ingalls after that?—A. I cannot give the date. I saw him shortly after his arrival in Topeka.

Q. Was it before you went into the Ingalls caucus?—A. I cannot state now.

Q. Where did you first see Mr. Ingalls?—A. At his rooms in the Tefft House.

Q. Did you go there on your own motion or upon invitation of any one?—A. Some one told me Mr. Ingalls was there and invited me to go in and see him; I do not remember now who it was.

Q. And you went?—A. I did go.

Q. You never had seen him until then?—A. No, sir.

Q. How long did you remain there in his room?—A. Probably five minutes.

Q. Any longer?—A. I do not think I did.

Q. When did you next see him?—A. I saw him every day after that.

Q. Where?—A. In his rooms and about the Tefft House.

Q. Were you frequently in his rooms after that first visit there by you?—A. Yes, sir; I was out and in the rooms every day; every hour in the day nearly.

Q. State just what conversation took place between you and Senator Ingalls on your first visit to his rooms.—A. I was introduced to Mr. Ingalls.

Q. By whom?—A. I do not remember who introduced me. Said he, "Hossack, I am glad to see you; Mr. Ping tells me you are favorable to my election." I told him I was and expected to vote for him.

Q. What else?—A. That was all the conversation we had at the time. Some one came in and was introduced and talked around promiscuously, and I walked out a few moments afterwards.

Q. What day of the week was that?—A. I cannot tell you.

Q. What time of the day?—A. I cannot tell that now.

Q. Whom did you see there?—A. That would be hard for me to state. I do not remember who was there.

Q. Where did you go when you left there?—A. I went from there, I think, to the State-house, but I shall not be certain. I cannot remember every step I took.

Q. You were asked concerning a paper. Where is that original paper that you produced before the house committee of investigation last winter?—A. I destroyed it.

Q. Where did you destroy it?—A. I think it was in my room at Judge Holmes'.

Q. When did you destroy it?—A. I cannot give the exact minute or day, but it was some time after the close of the investigation.

Q. Why did you destroy it?—A. Because I did not think it was of any further use; it was a document I did not care to have about me.

Q. Why did you not care to have it about you?—A. It was useless to me. If you had had it and it would have been of use to you, you probably would have kept it.

Q. What was your reason for wishing it destroyed?—A. I had no reason for keeping it.

Q. What was your reason for wishing it destroyed?—A. As I said before, I had no reason for keeping it. I destroy all papers that are of no use to me.

Q. I can understand why you would not wish to have it preserved, but I desire you to tell me why you wished it destroyed?—A. Just as I told you before, because I had no wish to keep it.

Q. When did you get possession of that paper after its execution?—A. I do not remember the day; some time before the investigation commenced.

Q. And then after the investigation closed you destroyed the paper?—A. I did.

Q. Why did you get possession of the paper; why did you want possession of it, then?—A. Because I did not want it used.

Q. Had the investigation been ordered when you obtained possession of it?—A. I believe it had.

Q. You did not want that paper used before the committee of investigation?—A. No, sir; I did not.

Q. How came you to produce the original then, having the original in your possession, before that committee of investigation?—A. I did so at the request of my lawyers.

Q. Who were your lawyers ?—A. Mr. Williams, the attorney for Mr. Ingalls, advised me to keep the original—Mr. A. L. Williams, the gentleman right here.

Q. The attorney for Mr. Ingalls advised you to keep the original ?—A. Mr. Williams was the attorney for Mr. Ingalls, I believe. He was the gentleman who advised me to keep it.

Q. Then in that investigation you understood that Mr. Williams was Mr. Ingalls' attorney ?—A. I did.

Q. You saw that paper and read it while you had it in your possession, did you not ?—A. I did.

Q. Have you any doubt about the name of J. A. Hossack to it, as a signature thereto, being in your own handwriting ?—A. I have some doubts about it.

Q. I noticed that you said you supposed you might have signed it, or something to that effect. Do you think it possible that that signature there was not your handwriting ?—A. Do I think it possible, did you ask ? Was that the question ?

Q. I did ask it.—A. Yes ; I think it is possible that it was not my signature.

Q. What is your best judgment concerning it ; was it or was it not your signature ?—A. It looked very much like my signature.

Q. I asked you was it, in your best judgment, your signature written by yourself ?—A. I think it was.

Q. Then you were not so drunk, if you signed it while intoxicated, but what you wrote a signature that you recognized as yours, were you ?—A. I do not know that I signed it. I say if I did sign it, I signed it on that night.

Q. What night ?—A. On Monday night.

Q. Counsel asked you if you were intoxicated or drunk that night ; what was your answer ?—A. I was.

Q. Was that the answer you made ?—A. I answered that I was drunk on Monday night.

Q. You said that you were in company on that Monday night, which was on the 27th of January, with Mr. Frank Playter and Mr. E. H. Brown ?—A. That is what I said.

Q. Were you not in company with Mr. Colonel Thomas Moonlight also ?—A. He might have been in the party ; I do not remember.

Q. Did you know him last winter—Colonel Moonlight, of Leavenworth ?—A. I met him here in Topeka last winter.

Q. Was he not with you on that Monday night ?—A. I do not know whether he was or not ; I think probably he was. There were a great many with us at different places.

Q. Did you get your supper at Judge Holmes' that night ?—A. Well, I would not swear whether I did or not. Sometimes I ate outside of there.

Q. About what hour were you in company with Playter and Brown first ?—A. Probably at seven o'clock in the evening.

Q. Before you met Playter and Brown that Monday, had you a conversation with George T. Anthony on that Monday ?—A. I do not think I had on Monday.

Q. It was the night of Monday, the 27th of January, that the Republican caucus was held, was it not ?—A. Yes, sir.

Q. That was the night you intended to go to the caucus, but were made drunk and kept away from it ?—A. That is the night.

Q. I ask you if on that day in the daytime you did not go upon invi-

tation to George T. Anthony's room, and there have a talk with him ?—A. I will not say whether I did or not. I went to all the candidates' rooms at different times. I was in Mr. Anthony's rooms a number of times by solicitation.

Q. Let me call your attention to the conversation, if it took place, and I will ask you if you did not, upon invitation, go to George T. Anthony's room on that Monday, when he commenced conversation with you by saying in substance, "It is now about time for our friends to organize; the first vote for Senator will take place to-morrow; there is to be a caucus held to-night; it is necessary that we should get our friends in hand and ascertain and determine our strength, and I desire that you and your friends shall attend upon the caucus and vote for me." I ask you if Mr. Anthony did not say something to that effect to you on that Monday ?—A. No, sir; I never had any such conversation with Mr. Anthony.

Q. Nor any conversation at all with Mr. Anthony on that day ?—A. None at all of that kind.

Q. Did you not tell Mr. Anthony before this caucus was held that you thought it was too late; that you were pledged to go into that caucus and vote for Mr. Ingalls; that you had promised to do so ?—A. I do not think that I did. Mr. Anthony asked me what I thought his chances were.

Q. Never mind that. I asked you if, in the conversation on Monday Mr. Anthony did not ask you why it was that you were for Mr. Ingalls, and did you not reply to him that they had made it to your interest to support Mr. Ingalls ?—A. No, sir; I never had any such conversation with Mr. Anthony.

Q. Did you not tell Mr. Anthony in just so many words that it had been made your interest to vote for Mr. Ingalls in the caucus, but that you would be with him and vote for him on the ballot the next day ?—A. No, sir.

Q. In the first conversation that you had with Mr. Anthony, did he not tell you that he regarded you as having been elected in his interest and for him as one of his supporters ?—A. I have not said yet that I had any conversation with Mr. Anthony.

Q. Well, in a conversation which took place between yourself and Mr. Anthony prior to the Republican caucus, did he not say that to you ?—A. I do not think he did.

Q. Did you not make complaint to Mr. Anthony that he had not been here and had not invited you to his room, while Mr. Ingalls and his friends had made it very pleasant for you ?—A. No, sir; I made no complaint to any one.

Q. Can you recollect where you went that Monday night with Playter and Brown ?—A. I can recollect a few of the places.

Q. Name them. Where did you go first ?—A. I went to Zimmerman's.

Q. Where next ?—A. To the Tefft House, I think.

Q. Where next ?—A. Back to Zimmerman's.

Q. Then where ?—A. I think we went to the theater probably from there, and then to Poppendick's.

Q. Then where ?—A. I do not remember where I did go from there.

Q. You recollect all that ?—A. I recollect that; yes, sir.

Q. Who was with you at the theater ?—A. I think Playter and Brown were with me.

Q. Was Colonel Moonlight there ?—A. I think not. He may have been there.

Q. The next day you attended the session of the house and voted for Mr. Ingalls as United States Senator?—A. Yes, sir.

Q. Had you any conversation with George T. Anthony on that day, Tuesday, after the adjournment of the legislature?—A. No, sir.

Q. Had you any conversation with George T. Anthony on the next day, which was Wednesday, before the meeting of the legislature?—A. Yes, sir.

Q. Where did that take place?—A. In his room.

Q. At whose instance or request; yours or his?—A. At his.

Q. Tell us what conversation took place there at that time?—A. Do you want me to tell just the words Mr. Anthony said to me?

Q. Precisely what took place there.—A. Mr. Anthony asked me to his room and said, "Hossack, I want to talk with you." He took me into one corner of the room and said, "If I ever needed help, I need it to-day, and for God's sake vote for me, vote for me to-day." Said he, "If you want a drop of blood or a pound of flesh, come and get it." That was the conversation I had with Mr. Anthony. Before I left him I promised him I would vote for him that day in order to please a number of my friends from Girard.

Q. Is that all the conversation?—A. That was all the conversation I had with him.

Q. Now, let us see about that. In that conversation at that time did you not tell him that it had been made an object to you to support Mr. Ingalls; that you had got part of your pay?—A. No, sir.

Q. I have not got through the entire statement, but you keep saying "No, sir," all the time by piecemeal. I want an opportunity to make my statement complete.—A. I thought you were through. Excuse me, sir.

Q. Did you not tell Mr. Anthony on that Wednesday morning that it had been made an object to you, a matter of personal interest to you, to support Mr. Ingalls; that you had agreed to do it; that they had paid you a part of it; that if they fulfilled your contract you would be under obligation to vote for Mr. Ingalls, but if they did not fulfill it before the legislature met in joint convention you would vote for him (Anthony)? Did you not tell him that?—A. Is that all the question?

Q. Well, you answer that.—A. I want to know if you are done.

Q. Answer the question.—A. No, sir; I did not.

Q. Did he not first call your attention to the fact that your people down there expected you to vote for him, and did you not reply to him that Mr. Ping understood the sentiment of the people, but that he had sold out and got his pay and had got three times as much as you had, and that you were poor and were obliged to take care of yourself; did you not tell him that in substance?—A. No, sir; I never did.

Q. Did not that conversation in substance take place between yourself and Mr. Anthony?—A. No, sir; it did not.

Q. You went to the house that day, and when the joint convention met you voted, and voted for Mr. Anthony, did you not?—A. I did.

Q. That was on Wednesday?—A. On Wednesday.

Q. Had you a conversation with Mr. Anthony on Wednesday afternoon or evening after that vote?—A. No, sir; I had no more conversation with Mr. Anthony.

Q. None at all after that?—A. None.

Q. Did you not after that session of Wednesday—the hour I cannot state, but after the close of the session in which you had voted for Anthony—go to Anthony's room again, when he said to you in substance,

"Now, Mr. Hossack, I want to know if you are going to stand by me from this time on"?—A. No, sir; he did not.

Q. Did he not say that, and did you not reply to him, "I cannot now; they have fulfilled the balance of their contract, and I have got to vote for Ingalls"? Did you not say that to him in substance?—A. No, sir; I did not.

Q. Did you not tell him, when he was urging you in regard to the opinion of the people of your county, that Ping had sold out and had got three times as much as you did?—A. No, sir; I did not tell him any such thing.

Q. You say that Mr. Playter held a note against you which you discharged on Thursday, the 30th of January. Do you remember just the amount of money you paid him?—A. No, sir; I do not remember the exact amount; it was \$244 with interest.

Q. Did he give you a receipt for it?—A. Yes, sir; he did.

Q. Have you got the receipt?—A. No, I have not.

Q. Do you know where it is?—A. I think it is at home. I got the note and had no occasion to keep the receipt.

Q. Look at page sixty of the legislative committee's report. At the time you paid Mr. Playter the \$244 you have mentioned, did he execute a receipt to you of which that printed receipt is a copy?—A. Yes, sir; he did.

Q. Are you certain that you made that payment on the day that that receipt bears date, which was Thursday, the 30th of January?—A. Yes, sir.

Q. If you are certain you paid the money on that day, at what hour did you make the payment?—A. It was some time in the afternoon. I think.

Q. At what place did you make the payment?—A. In Mr. Playter's room in the Tefft House.

Q. What time in the afternoon?—A. I do not recollect. It might have been 2 or 3 o'clock.

Q. Do you recollect the hour?—A. No, sir; I do not recollect the hour. It was some time in the afternoon.

Q. Who went with you to Playter's room, if any one?—A. No one.

Q. Counsel asked you where you got the money to make that payment, you having said that you were financially embarrassed, hard up, when you came to Topeka, and you stated that you had some and borrowed \$200. How much of your own money did you have?—A. I think in the neighborhood of \$100.

Q. Your per diem and mileage that you had received as a member of the legislature, the first payment?—A. Yes, sir.

Q. With that the \$200 borrowed from Mr. Merritt, as you say, enabled you to pay that note and have something left?—A. Yes.

Q. Counsel asked you if you borrowed any other money, and you said you did, that you borrowed \$100 from Judge Perkins. When did you borrow that hundred dollars from Judge Perkins?—A. I think it was on the 28th.

Q. That was Tuesday?—A. Yes, sir.

Q. When was it you got the \$200 from Merritt?—A. It was either on Monday or Tuesday; I will not be certain which.

Q. That is Monday night, the 27th, or Tuesday, the 28th?—A. Yes, sir.

Q. Fix the day certainly when it was you got the \$200 from Mr. Merritt?—A. I do not know as I can fix it for certain; it was either Monday night or Tuesday night, early in the evening.

Q. Are you not mistaken ? Was it not on the Friday night previous ?—
A. No, sir.

Q. You are very confident it was either Monday night or Tuesday night, the 27th or 28th ?—A. Yes, sir.

Q. And the \$100 that you received from Judge Perkins was on the 28th ?—A. Yes, sir.

Q. Why did you borrow the \$200 from Merritt ?—A. To pay Mr. Playter that note.

Q. When did you get the money from the State treasurer ?—A. I do not know whether I got it on Saturday or Monday ; I do not know exactly what day I did get it.

Q. You got ten days' pay and drew mileage ?—A. That is what I got.

Q. The legislature met on the 14th ?—A. Yes, sir.

Q. On the 24th ten days would be out ; that was on Friday ?—A. Yes, sir.

Q. You received it then on Friday, the 24th, or Saturday, the 25th ?—
A. I think it was Saturday, probably.

Q. Then on Monday or Tuesday night you borrowed from James S. Merritt \$200, and that left you nearly \$300. You then had in your pocket nearly \$300 to pay a note of \$244. You did not pay that till the 30th, two days afterwards, and in the mean time you borrowed another hundred dollars from Judge Perkins. What did you borrow that hundred dollars for ?—A. I had some other little matters I wanted to straighten up.

Q. What were they ?—A. Little bills that I owed around Girard.

Q. What were they ?—A. I cannot give the items.

Q. Did you go to Girard in the mean time ?—A. I went to Girard after the legislature adjourned.

Q. I mean in the mean time, between the time you drew your per diem and mileage on Friday or Saturday and the time you made this payment to Playter ?—A. No, sir.

Q. Did you prior to the final vote for United States Senator ?—A. No, sir ; I did not.

Q. Why did you borrow from Judge Perkins \$100 on Tuesday, the 28th, to pay some debts in Girard when you were here ?—A. Because I expected to go there immediately after the adjournment of the legislature.

Q. So you borrowed \$100 of Judge Perkins for that purpose ?—A. I did.

Q. Have you ever paid that \$100 back to Perkins ?—A. Not yet.

Q. And he declined to take a note for it when he let you have it ?—
A. Yes, sir.

Q. Have you ever paid the \$200 back to Merritt ?—A. I have paid part of it.

Q. How much ?—A. I have paid \$60.

Q. When ?—A. It was before I returned home after the adjournment of the legislature.

Q. Did he lend you back the same \$60 again ?—A. No, sir ; he did not. He probably would if I had asked him for it. He is a pretty good fellow.

Q. Did you get any other money from anybody else while here except, I mean, from the State treasurer, that which you were regularly entitled to ?—A. No, sir.

Q. Do you not remember being in Mr. Playter's room on Thursday night, the 30th of January, after your supper, as late as seven or eight o'clock ?—A. No, sir.

Q. Were you not there when Mr. Playter and E. H. Brown were there?—A. No, sir; I was not.

Q. Were you not there at that time, and was it not at that time and in that place that you paid Playter \$244 and took a receipt?—A. No, sir; it was not. It was in the afternoon of Thursday that I paid Mr. Playter the money and got his receipt for it.

Q. Did you not sign the paper, the original of which you say you had and have since destroyed, in Playter's room that night of Thursday, the 30th of January, somewhere between seven and nine o'clock?—A. No, sir; I did not.

Q. Did you go to the theater that night with Brown and Playter or either of them?—A. I went to the theater with Colonel C. J. Hawley, Mr. Vickers, Playter, and Brown.

Q. You said before that, after the theater was out, you went to the Tefft House and then went to the capitol, then returned to the Tefft House, and then went again to the capitol, then returned to the Tefft House, and then went again to the capitol, then returned to the Tefft House, and then went home to bed, about four o'clock.—A. That is what I said.

Q. When you left the theater did you go to the Tefft House in company with or along with Playter and Brown?—A. We all went there together.

Q. To the Tefft House?—A. Yes, sir.

Q. Did you not then, and before you went to the capitol, go up to Playter's room and pay him \$244?—A. No, sir; I did not.

Q. Did you not then, and before you went to the capitol, go up into Playter's room and pay him the \$244, and at the same time sign a paper concerning the contract that you had made with Mr. Ingalls about your vote for Senator?—A. No, sir; I did not. I was not in Mr. Playter's room on Thursday night.

Q. You were called and gave testimony as a witness before the investigating committee appointed by the house of representatives of the legislature last winter, were you not?—A. I was.

Q. Do you know that the testimony taken by that investigating committee has been published?—A. Yes, sir.

Q. Have you read it all?—A. Yes, sir.

Q. Do you not know, and did you not know before you came here, that Mr. Playter testified before that investigating committee in substance that the receipt which he gave you for the \$244 and the paper which you signed concerning yourself and Mr. Ingall's contract for your vote for Senator were both written on the same kind of paper and at the same time and in the same colored ink, with the same pen, and at one sitting? Do you not know that that was Mr. Playter's testimony?—A. Yes, I know that that was his testimony, but that does not make it so.

Q. With your knowledge of the fact that Mr. Playter so testified, if you did not sign that paper on Thursday at the same time that he gave you the receipt, why did you not preserve that paper in order that it might appear by the color of the ink and by other internal evidences that his statement was false?—A. I had no further use for the papers, either of them.

Q. You say that Mr. Playter held your note, and that after he came up here he was dunning you for it. Is that correct?—A. That is what I said.

Q. You say that you went to Mr. Merritt and told him that Playter held your note or that you were indebted to Playter and that he was pressing you in regard to your vote for Senator. I do not mean now to

misrepresent you, but what was the statement you say you did make to Merritt when you went to borrow the \$200?—A. I said that he was pressing me for the payment of that note.

Q. You told Mr. Merritt so?—A. Yes, sir.

Q. What else did you tell him?—A. I asked him to loan me the money to pay him.

Q. What did you say to Merritt that Playter was trying to do in respect to your vote for Senator or your action on the Senatorial question?—A. I think I told him he was trying to get me to vote for Anthony. That is my recollection.

Q. And that you say was on Monday night or Tuesday night?—A. Yes, sir.

Q. On Wednesday you did vote for Anthony, did you not?—A. I did.

Q. And that was after you had borrowed the money from Merritt to pay off that note?—A. Yes, sir.

Q. And you did not pay the note off until the next day, Thursday?—A. No, sir.

Q. If Mr. Playter was here dunning you and pressing you for payment of the note, and because you did not pay it trying to press you into the support of Anthony and to vote for him, and you borrowed \$200 of Merritt on Tuesday night with which to enable you to pay it off, having the balance of the money yourself, why did you wait for two days before you paid that note off, and in the mean time vote for Anthony?—A. Because the note was not due. I did not intend to pay the note until I went back to Girard; but he said he needed some money, and I told him I had the money to pay the note.

Q. Frank Playter was dunning you for the payment of a note that was not due; do you mean to say that?—A. Yes, sir; I mean to say that he was trying to have me get the money to pay it when it did become due.

Q. Do you mean to say that Frank Playter was dunning you to pay a note not due, and that you were borrowing money from James S. Merritt to pay it before it was due?—A. Yes, I mean to say that.

Q. Do your creditors, men holding your notes, generally dun you for payment of them before the notes mature?—A. Not always; they like to have me get the money, though, so as to be ready when the notes do become due.

Q. When was that note given?—A. I think it was given some time in November, 1878.

Q. Was not that simply a renewal note given in place of one previously held by the bank of which Mr. Playter was an officer?—A. That is what it was.

Q. Had not the debt, in fact, been carried along by that bank for a long period of time, you every thirty or every sixty or every ninety days giving a renewal note of some kind; is not that the fact?—A. No, sir; I think it was only renewed once.

Q. When you made the original loan, for what length of time was the loan made; thirty, or sixty, or ninety days?—A. There was no loan about it; it was a note for stock that I bought at a sale that Mr. Playter had control of.

Q. And when it matured you gave another note?—A. Yes, sir.

Q. For what length of time was the renewal note given; thirty, or sixty, or ninety days?—A. I have forgotten now, but it was either sixty or ninety days.

Q. If it was given for ninety days, it was not due, as you say?—On

page 60 of the legislative committee's report is a copy of the receipt Mr. Playter gave you, which reads :

JANUARY 30, 1879.—Received of James A. Hossack two hundred and forty-four (\$244) dollars in full payment for a note of that amount given November 15th, payable at Merchants and Farmers' Bank, at Girard, Kansas, said note to be canceled and returned to said Hossack.

FRANK PLAYTER.

Now, saying nothing about the thirty-one days instead of thirty, two months would take it to the 15th of January, and this transaction took place on the 30th of January; and three months, or ninety days, would take it to the 15th of February. Now, I want to know whether you paid that note fifteen days before it was due, or whether you paid it fifteen days after it was due?—A. I paid it on the day I said I paid it.

Q. I want to know whether you paid it fifteen days before it matured or fifteen days after it had matured?—A. I paid it before it matured; I do not know what number of days.

Q. Do you want this committee to understand that fifteen days before your note for \$244 was due, and before Playter had a right to demand payment, he dogged you or pressed you for payment, and you went to Mr. Merritt and borrowed \$200 to enable you to pay it?—A. That is what I want them to understand distinctly.

Q. When did you get acquainted with or first see James S. Merritt?—A. Shortly after I came to Topeka.

Q. You had never seen him before?—A. I never had met him before.

Q. Had you ever heard of him prior to your coming to Topeka as a member of the legislature?—A. I do not think I had.

Q. Did you not first meet him at Mr. Ingalls's rooms or around there?—A. I do not know where I first met him; I met him in Topeka somewhere.

Q. You understood him to be a warm advocate of Mr. Ingalls?—A. Most assuredly.

Q. He was around Mr. Ingalls's headquarters, where you were every day yourself?—A. Yes.

Q. Your acquaintance with Mr. Merritt was formed after you came here?—A. Yes, sir.

Q. And you went to him and borrowed \$200 to pay off a note that had at that time more than fifteen days to run; is that so?—A. Yes, sir; that is so.

Q. Did you give him your note for the loan?—A. I did not at that time; I offered to give it to him.

Q. He did not want your note?—A. He did not, because he did not think it was good for anything.

Q. Why did he lend you the money if he thought your note was not good for anything?—A. Well, he thought my word was better than my note.

Q. Do you want your testimony to stand just in that form?

Mr. WILLIAMS. The witness will be able to take care of himself.

The WITNESS. I am ready to answer the question.

Senator CAMERON. The testimony will stand just as the witness gives it.

Q. (By Mr. WEBB.) After the legislature adjourned you returned to your home at or near Girard, did you not?—A. I did.

Q. How long did you remain in that vicinity before you moved to Joplin?—A. A couple of months, probably.

Q. Did it not come to your knowledge or did you not know that a memorial to the Senate of the United States had been prepared, ask-

ing an investigation into Senator Ingalls's election and its character, and that such memorial had been signed by quite a number of the members of the house of representatives of the legislature?—A. Yes, sir; I understood they were trying to get up such a memorial.

Q. Did you not understand that the memorial had been got up and sent to Washington, and that Mr. Stumbaugh and Mr. Eggers had gone to Washington for the purpose of urging upon the Senate, or members of the Senate, that an investigation should be had?—A. I heard they were there.

Q. After that information came to your knowledge did you not have a conversation with Mr. Frank Playter, in Girard, in which you tried to get from him the money to come to Washington—to pay your expenses to Washington—telling him, in substance, at that time that Ingalls had not performed his contract with you, and that if he let you have money to come to Washington at that time, when Eggers and Stumbaugh were pressing the investigation, you thought you could make him pay the balance due you?—A. No, sir; I never had any such conversation.

Q. Nor anything looking in that direction?—A. No, sir; I had money enough to go to Washington at any time this summer if I had wanted to go.

Q. Did you not talk to other people at Girard in the same manner that I have asked you, if you did not speak to Frank Playter?—A. No, sir.

Q. Did you not also in Joplin try to get money to go to Washington, saying that if you could get a chance to go on there you thought Ingalls would settle with you and pay the balance due you?—A. No, sir; I never had such a conversation with anybody.

Q. Did you not say in Playter's room, in the presence and hearing of Playter and E. H. Brown, on the night of Thursday, the 30th of January, and at the time you signed the paper just spoken of here as the Hossack paper, about your vote for Senator Ingalls, when you were asked if the other \$300 had been paid in addition to the two hundred you received from Merritt, that you got two hundred of the three, and that the other three was arranged to your satisfaction and you would get it, and for that reason the paper might go as written that you had received \$500?—A. No, sir; I was not in their room on Thursday night at all.

Q. Was not that statement in substance made by you at the time you signed that paper, whenever it was?—A. No, sir. If it was, I do not remember it.

Re-examined by Mr. WILLIAMS :

Q. Mr. Webb asked you a question which put you in the attitude of saying that your note held by Playter lacked fifteen days of being due. Do you mean to say that?—A. It lacked a few days; I do not know exactly what time.

Q. Do you mean to say it lacked fifteen days of being due?—A. The original note was past due; this was merely an extension.

Q. I speak about the extension?—A. It was not quite due; it lacked a few days of being due.

Q. But you do not know how many?—A. No, sir.

Q. Is it not a fact that Mr. Playter at that time was in urgent need of money from all sources he could get it?—A. Yes, sir; he was.

Q. Did you ever know or hear of a candidate for the legislature in the State of Kansas who did not "play cunning" upon his constituents in regard to his choice for United States Senator?—A. I think they are all pretty 'cute.

Q. Did you ever know or hear of an instance of a man not playing cunning about whom he was for? He wanted all the votes he could get and would speak clever to everybody?—A. Yes sir.

Q. It was at my request, and not at the request of the legislative investigating committee, that you produced before that committee the original paper purporting to have been signed by you?—A. It was at your request.

Q. Did that committee ever call on you for that paper?—A. No, sir.

Q. You produced it purely because I told you to do so?—A. At your request I produced it.

JOHN M. PRICE, a witness called by the respondent, sworn and examined.

By Mr. EVEREST:

Question. Where do you reside?—Answer. I reside in Atchison, Kansas.

Q. How long have you resided there?—A. Twenty-one years the 1st of this month.

Q. Were you a member of the legislature of this State from Atchison County last winter?—A. I was.

Q. Was that your first appearance in the legislature?—A. No, sir; I had been a member of the senate two terms previously.

Q. I call your attention to the ninth specification of what is known as the supplemental memorial signed by two gentlemen by the names of F. S. Stumbaugh and L. F. Eggers, and ask you if you are the John M. Price therein stated? I now read the specification to you.

Ninth. That Hon. John M. Price, member of the house from Atchison County, was prevailed upon and did vote for John J. Ingalls under the corrupt promise of being appointed postmaster of the city of Atchison, which appointment was made, and he (Price) holds said office.

A. I am the party referred to.

Q. State to the committee what is the number of the representative district that you represented in the legislature from Atchison County last winter?—A. No. 4.

Q. State the territory that is covered by that district?—A. It is composed of the second and third wards of the city of Atchison.

Q. Was there a caucus or convention held in that district at which you were nominated as a candidate for representative?—A. There was.

Q. Were you personally present at that caucus?—A. I was.

Q. When was it held?—A. On the 17th of October, 1878.

Q. Was there at that time any vacancy in the post-office at Atchison, Kansas?—A. There was not.

Q. Can you state to the committee the proceedings of that caucus or convention in reference to the choice of that district for Senator?—A. I can.

Q. What was the political complexion of that convention?—A. Republican.

Q. Will you now state the proceedings which took place at that convention with reference to the choice of the people of that district for the United States Senate?—A. There was a resolution introduced by one of my competitors in the convention which I can read if desired.

S. C. King offered the following resolution, and moved its adoption:

Resolved, That it is the sense of this convention that the candidacy of any person will not be entertained who does not, before a ballot is taken, pledge himself, if elected, to unqualifiedly, and without reserve or equivocation, support John J. Ingalls for United States Senator, at Topeka, this winter.

Q. Was that resolution adopted?—A. It was adopted by a vote of 31 in favor, one nay, and one declined to vote.

Q. (By Mr. WEBB.) What did you read from?—A. The Atchison Champion, of date October 18, 1878.

Q. (By Mr. EVEREST.) The Daily Champion?—A. Yes, sir.

Q. Is that a correct record of that resolution?—A. It is.

Q. Were you personally present when it was read?—A. I was.

Q. Was that resolution adopted or not?—A. It was, by the vote I have stated.

Q. What else did the members of that convention require on your part regarding the United States Senatorship, or what did they call upon you to do?—A. Mr. King was nominated, Mr. Bruce, and myself, and each of us came forward and pledged ourselves to carry out the resolution in case we were nominated by the convention.

Q. Was that done openly, before the convention?—A. It was, before the ballot was taken.

Q. State if, previous to that time, you had had any conversation or understanding whatever with Senator Ingalls regarding supporting him for the Senate.—A. I had not.

Q. Before that time had he ever in any manner solicited your vote?—A. He had not.

Q. In that district was there any candidate opposed to you during the contest?—A. Not after that caucus; not after I was nominated by the caucus. I had no opposition after the convention.

Q. Was any other resolution presented at that convention, after you received the nomination?—A. There was.

Q. Please read what it was?—A.

John A. Martin offered the following resolution, and moved its adoption :

Resolved, That the Republicans of the fourth representative district earnestly desire the re-election of Hon. John J. Ingalls as United States Senator, and that the candidate for representative nominated by this convention is hereby instructed, if elected, to vote and work for the re-election of Mr. Ingalls.

The resolution was adopted by a unanimous vote.

Q. That was the resolution adopted after you were nominated?—A. Yes, sir.

Q. State if, after that caucus was held, you had any opposition or opposing candidate in that district?—A. I had not.

Q. Previous to that caucus, had there not been a candidate nominated in opposition, or by the Democrats?—A. Yes, sir.

Q. Was not the result of that caucus and the passing of that resolution that your opponent withdrew from the contest?—A. He withdrew. I do not know what motive influenced him. He withdrew.

Q. Do you not know that the people living in that district, irrespective of party, were favorable to the re-election of Mr. Ingalls, if a Republican had to be elected?—A. I think they were.

Q. Were you not so informed by the leading Democrats of that district?—A. Yes, sir.

Q. Having read the ninth specification of the supplemental memorial signed by those gentlemen, I ask you to state whether it is true or whether it is false?—A. It is false.

Cross-examined by Mr. RIGGS :

Q. State whether, personally, you were favorable to the election of Senator Ingalls at the time of your nomination.—A. If it had been left to my own personal preference, without any instructions, there were other gentlemen I would have preferred to Mr. Ingalls in the city of Atchison.

Q. Were you a member of the convention in which you received your nomination—a delegate to that convention?—A. I was.

Q. Are you the man who voted against the resolution or the one who declined to vote?—A. I did not take any part in it. My alternate officiated in my stead. I did not take any part whatever in the convention.

Q. Did you not state after that convention adjourned that you would not respect its instructions in relation to your vote for United States Senator?—A. I did not.

Q. Have you not stated repeatedly since your election, and did you not state repeatedly during the session of the legislature and prior to your vote, that you would not vote for John J. Ingalls for United States Senator?—A. I did not.

Q. Do you remember writing a letter to Sidney Clarke, which you directed to Lawrence, in which you stated to him that they had tried to bind you by resolution, but that you would not vote for John J. Ingalls, and that there was a God in Israel?—A. I never wrote any such letter to Mr. Clarke or anybody else.

Q. Did you write any letter to Sidney Clarke in which you indicated to him substantially that you would not vote for Senator Ingalls after your election?—A. I do not think I ever wrote any such letter as that to Mr. Clarke. I wrote a letter to him, but I do not now remember exactly what was said in reference to that. I made no such statement in a letter to him as indicated by yourself.

Q. After you came to Topeka did you attend the Ingalls caucuses?—A. I did.

Q. All of them?—A. I think every one except probably one when I was not in the city. I was chairman of the Ingalls caucus.

Q. What caucus do you refer to?—A. I mean the caucuses of Mr. Ingalls and his friends.

Q. Do you mean the Republican caucus held on Monday night before the election?—A. I mean all the caucuses held by Mr. Ingalls's friends.

Q. Do you mean the general caucus held on the Monday night before the election?—A. I was present at that.

Q. Do you mean that?—A. That and the others too.

Q. Were friends of other candidates in that caucus?—A. Yes, sir.

Q. You refer, then, to caucuses in which the friends of all candidates who were Republicans met?—A. Yes.

Q. That is what you referred to?—A. I thought when you first asked me the question you referred to the Ingalls caucuses. I was present at all of them.

Q. At all of the general Republican caucuses?—A. Yes, sir.

Q. Were you present at any caucuses that were distinctively Ingalls caucuses?—A. Yes, sir.

Q. I mean in contradistinction from the general Republican caucuses?—A. Yes, sir; Mr. Ingalls and his friends held caucuses at which I attended and presided.

Q. Did you give it to be understood to your friends here in Topeka during the session of the legislature and prior to the Senatorial election that you would vote for Senator Ingalls?—A. Yes, sir; I said I intended to vote for Senator Ingalls, because I was instructed so to do.

Q. You say you never stated to anybody after you came here between the organization of the legislature and the vote upon the Senatorial question that you would not vote for Senator Ingalls?—A. No, sir.

Q. You never stated that to anybody?—A. Not as long as he was a

candidate. I expected to vote for him in good faith as I had been instructed to do. I never had any other intention.

Q. You say that specification 9 is not true?—A. I say it is not true.

Q. How long after your nomination did the vacancy in the Atchison post-office occur?—A. I was nominated on the 17th of October. The election occurred in the early part of November. I think Mr. Gale died the latter part of November.

Q. Mr. Gale was the postmaster at Atchison, and he died in the latter part of November?—A. Yes, sir; I do not recollect the day. He was alive and well at the time of my nomination.

Q. But he died after your election, and before you came to Topeka to vote on the question of Senator?—A. Yes, sir.

Q. State, if you know, when your name was sent to the Senate of the United States, for confirmation as postmaster at Atchison?—A. I understood it was in December.

Q. In December, 1878, prior to your coming to Topeka?—A. Yes, sir; I do not know the exact date.

Q. About what time in December do you know?—A. I do not recollect when.

Q. When did the legislature meet?—A. In January.

Q. About what time?—A. About the 10th, I guess. I do not remember the exact date, but it was somewhere about the 10th.

Q. There had been no confirmation by the Senate of your appointment by the President, up to the time the legislature convened?—A. No, sir.

Q. Was there any confirmation of your appointment, up to the time of the Senatorial election?—A. There was not.

Q. You were not confirmed as postmaster until after the Senatorial election, and until after you had cast your vote for Senator Ingalls?—A. No, sir.

Q. Do you know Luther Dickerson?—A. Yes, sir.

Q. Did you ever have a conversation with Luther Dickerson in the city of Atchison, in relation to the Atchison post-office, and the probabilities of your being able to get it?—A. I really do not know; I might have had such a conversation; I do not call it to mind now, however.

Q. Did you ever state to Luther Dickerson that you could get the Atchison post-office if you would agree to vote for Senator Ingalls?—A. No, sir.

Q. You never did?—A. No, sir; I might have said to him that I could get the Atchison post-office, but not if I voted for Mr. Ingalls. Very likely I did say I could get that, because my name had been sent into the Senate as I understood.

Q. Did you not go to advise with him as to whether or not you should agree to vote for Senator Ingalls, on condition of being appointed postmaster at Atchison?—A. I never did.

Q. Do you know one W. S. Greenleaf, of Atchison?—A. Very well.

Q. Did you have any talk with him in relation to the matter of the Atchison post-office?—A. I might have had; I do not call it to mind.

Q. Did you say to him that you could get the Atchison post-office?—A. I might have said it to him.

Q. Did you say you could get it on condition of voting for Senator Ingalls?—A. I did not.

Q. Did you say to him that you would not vote for Senator Ingalls even to get the Atchison post office?—A. No, sir.

Q. In the letter to Mr. Clarke, did you make any reference to your appointment to the Atchison post-office?—A. I really do not recollect whether I did or not.

Q. I am very sorry I did not know you were going to be examined, or I should have had the letter here.—A. I should be very glad to see it.

Q. Did you ever state to any other person in the city of Atchison that Mr. Ingalls was willing to give you the Atchison post-office if you would vote for him for Senator, but that you would not so vote?—A. No, sir; I never stated that to any one.

Q. Did you ever tell that to anybody in the city of Topeka, after you came here to the legislature?—A. I never did.

Q. You were confirmed as postmaster at Atchison after you had voted for Senator Ingalls, were you not?—A. Yes, sir.

Q. So far, then, as the statement is concerned that you were confirmed postmaster at Atchison, the specification is not false except in so far as it gives reasons?—A. As a matter of fact I was confirmed as postmaster after the election of Senator Ingalls.

Q. You simply mean to say that the assigned reason there given, in your judgment, is false?—A. Yes, sir.

Re-examined by Mr. EVEREST:

Q. Previous to your voting for Senator Ingalls for United States Senator, had you ever had any talk, promise, agreement, or understanding with Mr. Ingalls personally in any manner whatever that you were to be made postmaster at Atchison?—A. I had not.

By Senator LOGAN:

Q. Is Atchison the town in which Senator Ingalls resides?—A. Yes, sir; it is.

Recross-examined by Mr. RIGGS:

Q. Is there not a very pronounced Republican sentiment in your district against Senator Ingalls?—A. At that time there were some Republicans in Atchison who preferred others to Mr. Ingalls.

Q. Was there not a very pronounced sentiment against Senator Ingalls?—A. I do not know what you would call "pronounced." There were quite a number of Republicans in his district who preferred somebody else.

Q. Albert H. Horton, the nominee of the caucus, was also a resident of Atchison?—A. Yes, sir; he lived in my district.

Q. Was there not a sentiment there more strongly in favor of Mr. Horton for Senator than of Mr. Ingalls?—A. I know a number of Republicans would have preferred Mr. Horton to Mr. Ingalls.

Q. Would not a majority of them have preferred Mr. Horton?—A. I think not. I cannot say that. It is a matter that it is impossible for me to tell as to the majority. I took the action of the convention, however, as conclusive upon that point.

By Mr. EVEREST:

Q. Was it not known in that district at that time, by the statement of Mr. Horton and his friends, that Mr. Horton was not a candidate for United States Senator?—A. Yes, sir; I heard that stated frequently.

Q. Did not every representative district of the county in which Mr. Ingalls resides instruct its representative to support him for the United States Senate?—A. I think they did. I am not positive whether they instructed or not.

Q. Including the senator?—A. Yes, sir.

Q. Including Senator Guthrie also at the county convention?—A. Yes, sir.

Q. And the rest of them obeyed the instructions, all except Guthrie?—A. Yes.

JAMES F. LEGATE, a witness called by the respondent, sworn and examined.

By Mr. EVEREST:

Question. Where do you reside?—Answer. I reside in the city of Leavenworth.

Q. Were you a member of the legislature of Kansas last winter?—A. I was.

Q. Was that your first appearance in the legislature of this State?—A. It occurs to me I have been there before.

Q. How many times have you represented your county in the legislature, do you recollect?—A. Some eight or nine.

Q. How long have you been a resident of Leavenworth?—A. Seventeen years.

Q. And of the State?—A. Twenty-five years.

Q. You are acquainted with the public men of the State throughout the State?—A. To some extent; about as much as anybody, I guess.

Q. Were you acquainted with James A. Hossack, a member of the legislature from Crawford County?—A. I knew him as a member of the legislature last winter.

Q. Did you have any conversation with him after the report of the legislative investigating committee?—A. I did.

Q. State when and where it was, and what it was.—A. By the report of the legislative committee there were three men reported upon, Hossack, Anderson, and Raybell. I was rather inclined, pretty strongly inclined, to the opinion that those men should be expelled on the report of the committee. I saw Mr. Anderson, and I obtained the report upon Mr. Anderson. I had a very full conversation with Mr. Anderson. I obtained the report; I read the testimony. I obtained the testimony, and read it, concerning Mr. Hossack. I saw Mr. Hossack at the Tefft House; I took him to my room; I sat down and talked with him in full concerning the whole transaction—pertinent to the paper that it was claimed he had signed—pertinent to his having received money from Mr. Ingalls, and to his having received money, or having borrowed money, of Mr. Merritt, and to his having borrowed money of Judge Perkins. Do you want me to repeat the conversation I had with him?

Mr. EVEREST. Yes, sir.

The WITNESS. He said to me at that time that he never signed it within his memory; that no such transaction had ever occurred as was described by that between him and Senator Ingalls; that he never had any conversation with Senator Ingalls concerning anything of an inducement to vote for him; that how or in what manner his name was appended to that piece of paper he did not know. I asked him if he was certain that it was his own signature; he said it was his own signature or one so well counterfeited that he could not tell the difference. He said to me that he was drunk; that Mr. Playter and Mr. Brown got him drunk one night, and what he did during that night he had no memory of; that he owed Playter some money—this was pertinent to the money that he got of Merritt—he owed Playter some money, and Playter was pressing him for it; and he said, "You know how hard he tried to get me to vote for Anthony." I was in Mr. Anthony's camp; I was not in this Ingalls outfit.

Q. You did not vote for Ingalls at all?—A. No, sir. I saw Mr. Hossack before the election; did what little I could to make him vote for Anthony, and knew pretty much what was done with him when it was feared that he was going to the Ingalls caucuses. He said to me that

Mr. Playter was pressing him for that money; that Playter owed the State by reason of his bank being the depository of the county money; he owed the State \$3,000, and he had not the money; he was pressed for money; and Hossack said he went to Merritt and asked him for \$200. I asked him if he was alone. He said no, he was not alone; there was a crowd there. I asked him if any one heard him or saw him. He said, "Yes; they all did." I asked him who "they all" were, and he said, "Joe Wilson and a whole crowd of fellows." That was the answer he made me. He said Merritt says, "Yes; I will let you have \$200"; and took out \$200 and gave it to him. I said, "But that would not pay your \$244." "Well," said he, "before that I had been to Judge Perkins for the same thing, and the judge let me have \$100." Then I asked him, "If you only owed \$244, what did you borrow \$300 for?" "Well," he said, "I wanted to get the balance of it so that I could pay some little debts down at home; as soon as this election was over I wanted to go home." He seemed to be very earnest and very frank. I had had conversations with him pending the election; I know what his sentiment was during that time, and knowing these parties, Shaw and Playter and Brown, and the crowd that were running him, I knew they had not much conscience. I came to the conclusion that they sought to accomplish an object and only failed, and I was sorry they did fail, too. I came to the conclusion that he was not a very strong man intellectually, and that they had set up a game on him, and I believe it yet—not so much set up a game on him as to get something on Ingalls, so that they could bleed him or get some contracts. As the result of that conversation, I went to the legislature, and I opposed Hossack's expulsion.

Q. You say you knew what Mr. Hossack's sentiments were. State what they were from the knowledge you had.—A. The committee really ought to know the character of these caucuses in order to understand what I would say about Mr. Hossack or Mr. anybody else, and, with your permission, allow me to state: We had no political caucuses; we had one little squad called Democrats, another little squad called Greenbackers, another an Anthony caucus, and another an Ingalls caucus; and then there was a William A. Phillips caucus, and a Ben. Simpson caucus. Each man, up to a certain time, sought to augment his forces. They were purely personal so far as Simpson, Anthony, Phillips, and Ingalls were concerned. Each one of those caucuses sought to augment its personal force, and they tried all manner of schemes to augment their forces. We had, as the balance of them did, all kinds of outsiders.

By Senator CAMERON:

Q. By "we" you mean the Anthony men?—A. I was with the Anthony men. We, as all the rest, had all kinds of outsiders. A Senatorial election in Kansas is quite an institution, next to a Presidential visit. We tried pretty hard to get Hossack to go into the Anthony caucus, and stick to the Anthony caucus. I had two or three conversations with him. I talked with him pretty earnestly. He told me at that time that Anthony claimed that he should be his friend, but he said, "The district I represent is essentially for Ingalls; the people down in town" (referring to the county seat) "are all Anthony men, and they have been besieging me ever since the election to vote for Anthony, but I was elected by men who are for Ingalls, and I must vote for Ingalls." That was the repeated expressed sentiment to me.

By Senator VANCE:

Q. Of Mr. Hossack?—A. Mr. Hossack's repeated sentiment to me

prior to the election. We did not want that he should go to the Ingalls caucus. Brown was a pretty good, jovial fellow, and Playter was a pretty good fellow to lay around, and we concluded that we would get him drunk. We used those fellows to do it, and they did it, not once, but two or three times. They succeeded better with him than they did with all of them. There was a fellow down in my county who would not vote for Anthony, and we tried to make him drunk one night. We sent three fellows after him, and he drank them all three drunk, went to the caucus, and came home and went to playing billiards. That was Hossack's sentiment prior to the election.

By Mr. EVEREST:

Q. Do you know E. W. Majors who was a member of that legislature?—A. I do; very well.

Q. Did you have a conversation with him regarding the Senatorial election?—A. Not prior to the election, because he was a Greenbacker, and Playter and Brown told us that Majors would come to us sure as soon as the break was made. But after the election there was a little coterie of men gathered in the speaker's room and caucused there, the purpose of which was to have an investigation. That is a Kansas institution, when you get beat one way, try to get up the ladder on the other side. It was noised about that they were going to have resolutions introduced into the house on that morning looking to the ordering of an investigation. I had been pretty ardently opposed to Mr. Ingalls, because the people whom I represented felt that way, or rather felt more ardent for Governor Anthony than they did against anybody. After I reached the assembly room, Majors came to me and asked me if I should oppose an investigation. I said yes, sir; most assuredly I should. He asked why. I said, "Because an investigation will only make public the little talk, the jokes as well as the reality, and it will not amount to anything when you get through, but only a discredit upon the State." "Now," said he, "Legate, don't, for God's sake, go too fast, because I tell you they have an absolute thing that will prove Ingalls to have bought and paid for members." "Well," said I, "will you tell me how, Majors?" "Well," said he, "Playter and Brown and Shaw got Hossack drunk one night, and they got it out of him clean." "Where is it?" said I. "It is at home, but it will be here to show that he did buy Hossack," Majors replied. "Well," I said to him, "I will wait to see that terrible thing." I did not believe that paper, which has been made public since, had an existence, or anything of the kind. I did not believe what he said, and I opposed the investigation. That is about all.

Q. This is the E. W. Majors, a member of the legislature, who was sworn here as a witness?—A. It is the E. W. Majors who was a member of the legislature from the same county with Mr. Hossack—Crawford.

Q. Did you know a member of the legislature of the State of Kansas by the name of H. C. Fisler?—A. Yes, sir.

Q. Was he examined before the legislative committee, and, if so, have you read his testimony?—A. I have not read his testimony.

Q. Were you present when he gave evidence here the other day?—A. I was not. Mr. Fisler was a member of the Anthony caucus. He was rather a weak-kneed statesman, to make the best of him. I thought for a season he was pretty straight, but I began to think that we were not so certain about him as we might be. He said to me one night, "I want to see you." I said, "All right; I will go up to my room." My wife and daughter were with me, and I put them into the next room. I said to

him, "What is it?" I expected some good news. He said, "Have you fellows got any money in your crowd?" I said, "I don't know of any." He said, "Well, now, but I know there is." "How do you know?" I asked. Well, he said that Mitchell was going to get \$10,000 if he could get the Greenback vote, and somebody else was going to get \$10,000 if he could get the Democratic vote. I said to him that was all in his eye; nothing of the kind; that Anthony was as poor as a church mouse. "Well," said he, "I will tell you. I am up here and I know that there is money around here, and I am going to get fixed up." "Well," said I, "you were elected for Anthony, were you not?" "Well," said he, "the people down where I live don't care how I vote." Said I, "What do you want to get fixed for? You have gone in and committed yourself to Anthony." "Well," said he, "I know there is money around here somewhere, and I am going to get hold of some of it." Said I, "What do you want of it?" He said there was a newspaper in Harper County—the county that he represented—that he wanted to get hold of. I asked him how much it would cost. He said \$1,100. I said to him, "Fisler, if you sell out you will get found out after a while, if you don't now. My advice to you is not to sell for \$1,100. Get your pile so you will not have to come back here again until after this is forgotten." After having some jocular talk with him I said to him earnestly that Governor Anthony had no money, and his friends had no money there, and I did not know anybody but Pomeroy that had any money, and they only claimed that he had \$50,000 here. I forgot before that Pomeroy was a candidate. He had two votes. Fisler came to me twice after that and wanted to know if I could not invent some way by which he could get some money. I told him no. I told him the way to get some money would be to wait until Anthony was elected to the Senate, and then I would try to get him a good fat office, by which he could earn the \$1,100 pretty quick, and buy the newspaper if he wanted it. I said to him, "There is no use in talking about this; there is nothing here"; and he went out.

Q. He was a member of the legislature from Harper County?—A. He was a member of the legislature from Harper County.

Q. Did he make any request of you to introduce him to any person?—A. Yes; he wanted that I should introduce him to Mr. Pomeroy, and I did.

Q. Was that after this conversation about money?—A. That was the same night after this conversation about the money, and he wanted that I should tell Pomeroy that he was all right. I went up to Mr. Pomeroy's room. There were some half-dozen gentlemen in there talking in the rear room. I called Mr. Pomeroy out. I had said to Mr. Fisler, "I don't well know you; I am not going to vouch for you at all; I will introduce you to him and say that you want to see him." I went up there and introduced him to Mr. Pomeroy and came out.

Q. State if there were any Republican caucuses held at the commencement of that Senatorial contest; and, if so, how many?—A. There were no Republican caucuses held at the outset of the canvass. Mr. Ingalls's friends were very anxious to submit his claims to a Republican caucus, and Mr. Anthony's friends were very anxious not to. I cannot recall the date, but I think it was the Monday prior to the first vote for Senator, there was a meeting of Republicans where there were 116 present. Representing Mr. Anthony and his interests, I sought to aid them in making rules such as that if any party were nominated in that convention he should have votes enough to elect him in the joint convention, and after a good deal of argument and manipulation and going back-

ward and forward the rule was adopted by which all votes should be *viva voce*, and that no party should be considered nominated by that convention unless he should receive eighty-five votes.

Q. Was that rule enforced?—A. That rule was adopted and enforced.

Q. How many caucuses were held by the Republicans under that rule?—A. All the caucuses that were held by the Republicans were held under that rule. I am not certain whether we had any vote on the first night.

Q. Mr. Faulkner testified the other day that Mr. Ingalls in those caucuses got only fifty-six votes. Will you state what the fact was in that regard?—A. Mr. Ingalls got more than fifty-six votes on one night; I think it was Tuesday night. Mr. Ingalls got fifty-four, fifty-five, or fifty-six votes on the first night we balloted. We had some men in there who were very tender about Ingalls getting a majority of the Republicans, and who, though they were with us, would feel bound to go to Mr. Ingalls as soon as he received a majority of the Republicans. I may get the nights wrong; it may have been Wednesday night; but either Tuesday or Wednesday night he got first sixty-three, then sixty-five, and the last vote he got sixty-seven; and we concluded to make a slight flank-movement, and we sent our friends around among the Ingalls men saying to them, "Now vote for so and so this time, and Ingalls will be very likely to be nominated the next time"; and I think we reduced his vote to sixty-two or sixty-three by getting men to trade off, expecting us the next time; but as soon as that vote was over I moved to adjourn, and we made it quite lively until they did adjourn.

Q. So that Mr. Ingalls got sixty-seven votes at one time in the caucus?—A. At one time he got sixty-seven votes.

Q. That was more than a majority of his party in the legislature, was it not?—A. Yes, sir; that was more than a majority of the Republicans in the legislature. Then we expected to lose General Bull, Mr. Wait, and several others who had said that their people were for Mr. Ingalls, while they personally were for Governor Anthony, but they should feel compelled to go for Mr. Ingalls as soon as he received a majority of the party vote; and we found it very necessary to make a slight demonstration to adjourn, and we did adjourn.

Q. What was the action afterwards of what might be denominated the anti-Ingalls men, after this flank movement?—A. The anti-Ingalls men divided up into caucuses, as they were each, as I thought, trying to cut the other's throat. I thought the balance of them were trying to get Anthony out of the way, so as to give them a lift, and I thought that Phillips was trying to get Simpson off the track for the sake of giving him a lift. Each was saying the other could not be elected. The next night after this voting and adjournment we had another meeting. During the next day they had gotten the Kansas City Times to publish some letters purporting to have been written by Mr. Ingalls to some friends. I do not now remember what they were; but it was deemed wise to make a demonstration over these letters in caucus that night for the purpose of breaking up the caucus. The machine had become too large to handle cleverly. Senator Henry led off with a speech in that caucus denouncing Ingalls for having written such letters, and I played the part of Mrs. Winslow and came in with a little soothing sirup and said they should not fight that way. We got up quite a discussion, and finally I moved to adjourn sine die. That was the real object I was after; and the caucus adjourned. Immediately after the adjournment each one of these

separate caucuses held a meeting. I was not present at each one, but my information was that each caucus held a meeting.

Q. You mean that each candidate had a caucus?—A. The friends of each candidate held a caucus. I do not know whether Mr. Ingalls had a caucus or not. I was not in his caucus. There were several speeches made in the caucuses, and finally the conclusion was reached that the only way to beat Ingalls was to have a general anti-Ingalls caucus. The friends of Mr. Anthony selected myself and Mr. Clarke to visit the other caucuses in the morning. We had a little talk with them, and I talked very plainly to them too. I told them the Democrats were going to vote for Mr. Ingalls that day—I did not know but all the Democrats were going to; I knew that Colonel Eaton, who was quite prominent in the Democratic party here and has some notoriety in the nation, had written a letter to Mr. Greever, a Democrat from Wyandotte, saying that he wanted he should vote for Mr. Ingalls, that he was his personal friend, and that he, Eaton, was going to be a candidate for Sergeant-at-Arms of the United States Senate, and he did not know but that Ingalls might be of some service to him. I did not know but that he had traded the Democrats off. At any rate I told them the Democrats I thought were going to vote for Ingalls that day, and I told them the Greenbackers I thought were going to vote for him. I told them I thought Charles Robinson was. I told them I thought Hewins was, and several others. I did it because I felt that I knew it and to put the whole crowd on their guard. We finally agreed to have an anti-Ingalls caucus. We had had ballots in the legislature for Senator all the way through. We had an anti-Ingalls caucus at which every man opposed to Ingalls was or was supposed to be present. There were seventy-seven men in that caucus, and two men who were not present were vouched for—General Bull and Mr. Wait. We agreed after getting into that caucus and after having some considerable talk with the Greenbackers more than with the Democrats—they were more obstreperous than the Democrats a great deal—we had tried to agree upon every proposition that we could think of, and finally Governor Robinson, who was in there, left and went away. Then there were two or three who left very soon afterwards. I think that Mr. Marlin, of Labette, left. After all that, I think there were seventy-three men remaining in the caucus. Then we had some considerable trouble with Mr. Hamilton, of Marshall County. After we had tried in every way to get a candidate to suit everybody, it turned out that it was very probable that Judge Horton would be nominated; and Mr. Hamilton was reported from the Greenback conference as having said there that if the candidacy came between Horton and Ingalls he would vote for Ingalls. We came out and continued the vote, and it became pretty near certain that Mr. Horton was going to be nominated, and Mr. Hamilton retired to the rear part of the room, and I found it convenient to get close to him. I asked him why he would not vote for Horton, and he told me a story that is too long to tell here, about an injury that he felt Judge Horton had inflicted upon his father at some anterior period. He said that he would vote for Judge Kingman, or he would vote for Phillips, or he would vote for Elder Mitchell, but he would not, under any circumstances, vote for Judge Horton; that as between the two he should vote for Ingalls; and he got up and left the room. That left seventy-two men in the room. On the next ballot after he left the room seventy-one votes were cast for Judge Horton, Mr. Clogston, who was an ardent admirer of Mr. Clarke, not voting. Some of them who were familiar with what was going on had made this calculation, had given these assurances which made largely the strength that nominated Judge

Horton; that if Judge Horton was nominated Mr. Price of Atchison, Mr. Seaton of Atchison, Senator Woodworth of Atchison, and Mr. Donahue of Atchison would vote for Mr. Horton and leave Mr. Ingalls—they had all been with Mr. Ingalls; that Wilson of Jackson and Mr. Stitt of Nemaha would do the same thing; that Mr. Smith of Marshall and Mr. Ballard of Washington would also vote for Mr. Horton. They claimed in that class of conferences which come around in political times an absolute certainty that those eight men would leave Mr. Ingalls and vote for Mr. Horton. It was with that feeling and with that general understanding that somebody knew that these eight men would leave Mr. Ingalls and would vote for Mr. Horton that everybody felt very certain that Mr. Horton would be elected.

The chairman suggested that it was not necessary to go into the details of the anti-Ingalls caucus.

Mr. EVEREST. They were gone into on the other side and not correctly. If it was proper for the other side to go into them, it is proper for us to do so.

The CHAIRMAN. I merely made the suggestion for your own consideration, and only to abbreviate the examination.

Q. (By Mr. EVEREST.) How great a number of members of the legislature were in the anti-Ingalls caucus at any one time?—A. Seventy-seven.

Q. What was the greatest number of votes that Judge Horton received in that caucus at any one time?—A. Seventy-one.

Q. State how many votes were necessary for a choice in the legislature.—A. Eighty-five were necessary for a choice.

Q. Who were the two gentlemen who voted for Pomeroy?—A. Mr. —, what is his name? We called him "Old Grizzly." Mr. Callen was the man who was for Mr. Pomeroy from the beginning, as long as Mr. Pomeroy breathed the breath of political life, and after a day or two Mr. Stumbaugh joined the forces.

Q. F. S. Stumbaugh?—A. Yes, sir.

Q. (By Senator CAMERON.) How much money did you understand Pomeroy had?—A. If you will take all that was said about here, you can give him any amount. It was generally said around in quiet circles that he had \$50,000. I did not want the fellows to let him down on the \$7,000 price at all.

Q. (By Mr. EVEREST.) State if any of the eight gentlemen whom you spoke of as being vouched for in the anti-Ingalls caucus ever did as a matter of fact leave Mr. Ingalls.—A. They were never, anyone of them, vouched for in the anti-Ingalls caucus; it was only said in confidential terms, and with an appearance of certainty among those men who were earnest in behalf of Mr. Horton; it was never publicly stated, but was privately circulated, and with a great degree of earnestness.

Q. As a matter of fact, did any of those men desert Mr. Ingalls?—A. No, sir; they did not, greatly to my sorrow and astonishment.

Q. Have you read the third specification in the supplemental memorial?—A. I do not know what it is.

Q. It reads as follows: "That Hon. L. P. Hamilton, member of the house of representatives from Marshall County, corruptly received several hundred dollars for his vote for John J. Ingalls, and that the person giving said bribe was the agent of John J. Ingalls." Is that the Mr. Hamilton that you speak of as having declared that he would not, under any circumstances, support Mr. Horton?—A. It was Mr. Hamilton, of Marshall, who made that statement to me and who was reported by Mr. Biggs, who reported to the caucus. It is pushing out things

rather closely; but he reported in the caucus that Mr. Hamilton, of Marshall, had said in the Greenback caucus that if the candidacy came between Mr. Horton and Mr. Ingalls he would vote for Mr. Ingalls; and after that I sought a conversation with Mr. Hamilton, of Marshall, and that conversation was what I have stated.

Q. He told you so in the anti-Ingalls caucus?—A. He did.

Q. Told you that he would support these other parties, but would not support Judge Horton?—A. Yes, sir.

Q. And when it became apparent that Horton was to be the candidate he retired?—A. When it became apparent that he would be the candidate, Mr. Hamilton retired from the caucus.

Q. Did you know Representative Wait, from Lincoln County?—A. I did.

Q. State, if you know, what his preferences were for United States Senator?—A. He said to me that his personal preferences were for George T. Anthony, but that his people were for John J. Ingalls; that he could not afford, using his own expression, to have a shyster sent to the Senate; that either one of them was competent to be Senator; and if Anthony was not to be the Senator, Ingalls must be.

Q. You say that immediately after the election of United States Senator, this Kansas institution of an investigation was talked of near the speaker's desk?—A. No, sir; I did not say any such thing.

Q. Where was it?—A. I said there was a caucus in the speaker's room at the hotel.

Q. For the purpose of getting up an investigation?—A. For the purpose of getting up an investigation.

Q. Who was the speaker?—A. Sidney Clarke.

Q. Was he a friend of Senator Ingalls in that canvass?—A. No, sir; he was not.

Q. Was he simply indifferent, or was he a very strong and bitter opponent of Mr. Ingalls?—A. Sidney Clarke was not only an opponent of Mr. Ingalls, but he was vindictively opposed to him, personally as well as politically.

Q. State who was present at the time that investigation first formed something of a head, or was talked of at that time.—A. I was invited to go into that room. There were in that room—I cannot remember them all—several gentlemen who were not members of the legislature.

Q. Who were they?—A. Mr. Whitney, of this city, was one of them.

Q. He was a candidate for the legislature against Mr. Anderson, was he not?—A. I do not know anything about that.

Q. What members of the legislature were present?—A. Mr. Callen was there; Mr. Stumbaugh was there; Mr. Eggers was there; Mr. Hodge was there; I cannot remember who else was there.

Q. Were any of the opposition candidates there themselves?—A. Mr. Sidney Clarke was there.

Q. Any others that you can think of?—A. I do not know that I remember any others. I was only in there a moment.

Q. Were any of Mr. Ingalls's friends there present?—A. I did not see any of them.

Cross-examined by Mr. RIGGS:

Q. Can you state the resolution that was introduced by Mr. Callen relative to the censure of certain members of the legislature?—A. That is a matter of record.

Q. Will you state what it was?—A. No, sir; I will not state that which is matter of record.

Q. Will you state to the committee what that resolution was?—A. No, sir; if you will get me the printed record I will show it to you.

Q. Do you remember what it was?—A. I do not remember it well enough to know exactly what it was.

Q. Will you state the substance of it?—A. No, sir; I will wait; it is a matter of record.

Q. Can you state the substance of it?—A. I do not know whether I can or not; I will not try.

Q. Answer my question.—A. I answer your question.

Q. Can you state the substance?—A. I do not know whether I can or not, and I won't try.

Mr. RIGGS. Mr. Chairman, that record is not in any sense a record that is binding upon us as primary evidence. The recollection of Mr. Legate, if he has a recollection, is just as competent as any printed record of the legislature of Kansas relative to that resolution.

Senator CAMERON. Did it not go into the journal of the house?

Mr. RIGGS. The journal is not at hand.

Mr. EVEREST. The journal is printed.

Mr. RIGGS. The journal of the house is not printed in full.

Mr. EVEREST. There is a copy of it right here.

Mr. RIGGS. No; that is only a small portion of it. I ask this witness, and it is competent primary testimony, whether or not he recollects the resolution introduced by Mr. Callen relative to the expulsion of certain men who were mixed up in this Senatorial corruption?

Mr. FENLON. The resolution itself is primary evidence.

Mr. RIGGS. I simply ask the ruling of the committee.

The CHAIRMAN. The witness has stated that he does not know what it is. We cannot rule that the witness must state what it is after his declaration that he does not know it.

Mr. RIGGS. But he says he will not try to state it.

The WITNESS. Because I do not know whether I can or not.

Q. (By Mr. RIGGS.) Did you vote for or against that resolution of Callen?—A. If you will show me the resolution and ask me whether I voted for it or not, I will tell you; but I cannot now. I voted for a resolution of censure; but whether it was introduced by Mr. Callen or not, I do not know.

Q. I will call your attention to another resolution. Do you remember a resolution introduced by Mr. Stumbaugh, demanding the expulsion of Mr. Hossack?—A. I do.

Q. Did you vote for or against that?—A. I voted against it.

Q. Do you remember a resolution introduced by myself relative to the expulsion of Mr. Raybell and Mr. Anderson?—A. I do.

Q. Did you vote for or against that?—A. I voted against it.

Q. Did you assign any reasons, or did you assign any such reasons for voting against the resolution when you voted against it; did you assign to the house the reasons which you have stated here to-day to this committee?—A. In substance, I assigned the same reasons then that I assigned to the committee to-day.

Q. Did you assign any reason for voting against the resolution to expel Anderson and Raybell?—A. I think that I was forbidden doing anything of that sort, for my impression now is that you introduced the resolution and moved the previous question, which cut off all possible chance of explaining.

Q. That is your recollection?—A. That is my recollection.

Q. Do you swear to that?—A. I say that is my recollection.

Q. What reason did you assign then to that legislature for not voting

for the resolution to expel Raybell and Anderson?—A. I have not said anything about either Raybell or Anderson.

Q. I asked you if you assigned the same reasons to the legislature for that which you assigned here to-day, and you said you did.—A. No; you are very much mistaken; I did not say anything of the kind.

Q. Very well; what reasons did you assign to the legislature for voting against that resolution?—A. I cannot recall exactly what I said; but I said that each one of them ought to have been censured, but that there was not enough in what they did to expel them.

Q. On what day of the week did the legislature adjourn?—A. The records will show; I cannot tell.

Q. Do you remember?—A. I do not.

Q. Do you remember a conversation that you had on the Sunday before the legislature adjourned, in which you announced your intention to introduce some resolutions expelling Raybell and Anderson and Hossack?—A. No, sir.

Q. Do you recollect a conversation you had with me?—A. I remember that conversation very well.

Q. Wait a moment; let me get through with my question.—A. I will; I am in no hurry.

Q. Do you remember a conversation you had with me in front of the Tefft House the Sunday preceding the adjournment of the legislature, when you announced your intention to introduce a resolution to expel some of those fellows who had, as you expressed it, received money for their votes, or as an inducement to secure their votes, and had kept it, and in which you said that you stood in a position where it was absolutely necessary that you should do something to clear up your record, put yourself right on the record?—A. That is your speech that you make, but I never made any such speech to you, and I propose to tell what I did say now.

Q. You say you never said that?—A. I say that you have put one grain of what I did say with a bushel of chaff that I did not say.

Q. Very well, then, you may state what the grain was, and may put some chaff on it.—A. No; I do not propose to do that; I leave that with you lawyers. I said to you that I felt that it was necessary, not for my vindication personally—that I never coupled to you or any other man. I said it was necessary, in my judgment (and that was the day or evening on which I took these men Hossack and Anderson and found out their side of the story). I said to you that I felt it necessary for the good name of the legislature that something should be done to show that the legislature did not approve of such conduct. I felt, at least, that they should have the severest censure; and on that evening, had nothing else been done, I would have drawn a resolution in my own language for the purpose of censuring those men. I saw Mr. Hossack; I saw Mr. Anderson; Mr. Anderson, by the way, was not bought by Ingalls; they tried to buy him away from Ingalls, and he was not bought with Ingalls's money—

Q. Do you know that of your own knowledge?—A. Well, I come so near it that a man has no doubt. You can appreciate that in Kansas politics as well as anybody.

Q. I will not inquire in regard to that.—A. I know you need no inquiry of that kind. Mr. Anderson told me the whole story of his receiving \$500; Mr. Hossack told me the whole story of his falling into the clutches of those two or three fellows, Playter, Shaw, and Brown, and I felt that it was not my duty to vote to expel them. I felt it was my duty to vote to censure them. I very soon learned, in the conversa-

tion with you, that it was a part of the make-up, for the purpose of making a clear case before the United States Senate, to expel men who voted for Ingalls, to leave him with unexpelled members to have less than eighty-five votes.

Q. I was asking you about the conversation.—A. I know; and I was giving it to you.

Q. I want you to state the conversation. Is what you have been telling a part of the conversation you had with me that day?—A. I have stated what I said to you. I stated to you—

Q. Will you hear my question?—A. Will you hear my reply first?

Q. Not until I give the question.—A. I will state it, then, to the committee, independent of you. I have stated what I said—all that I said to Mr. Riggs. I have added to the statement of my conversation with him my inferences of his purposes from his conversation.

Q. State what I said in relation to my purposes.—A. You stated that they ought to be expelled; that no legislature could live and feel respectable without expelling them, and you coupled it with an expression that while two of them voted for Ingalls one of them voted against him, so that there would be no politics in it. I have lived in Kansas long enough to—

Q. Wait a moment. Is that what I stated?—A. That is the substance of what you stated. There may be a great many other things.

Q. We have had a great many lectures.—A. O, yes.

Q. The next day I introduced a resolution, did I not, to expel Raybell and Anderson only?—A. That is asking a short question to get a specific answer that, while it will be the fact, will cover up the truth.

Q. Answer the question. Is not that the fact?—A. I will not answer it in that form. I will tell you what did occur.

The CHAIRMAN. Answer the questions of the counsel, and afterwards if any explanation is needed, you can give it.

Q. (By Mr. Riggs.) Answer that question. Did I not introduce a resolution to expel Anderson and Raybell only?—A. You introduced a resolution to expel Anderson and Raybell.

Q. Did you not vote against that resolution?—A. But before—

Q. Did you vote against that resolution?—A. I am talking to the committee now.

The CHAIRMAN. The committee have awarded both to the memorialists and the respondent the privilege of appearing here by counsel. It is the duty of witnesses to answer the questions that are propounded by counsel. This witness is an intelligent gentleman, and he can readily answer the questions propounded. If he desires, after answering a question, to explain anything, that privilege will be accorded, as is usually the case.

The WITNESS. That is exactly what I asked, the privilege of explaining. After I had answered the question I asked the privilege of explaining and he does not want me to explain, but thrusts another question at me, which leaves both me and the testimony in a bad attitude to stop where he has stopped and leave what I have said unexplained. I ask of the committee to be allowed to explain in full that which his question elicits only a part of. I think it is due to me to do that.

Mr. RIGGS. Mr. Chairman, I desire to state that in the beginning I designed to ask this witness but five or six questions, and I should not have asked more if he had not injected into every answer irrelevant matter not in response to my inquiries. I simply ask that this witness shall be confined by the ordinary rules which govern the taking of testimony. I think I know the purpose of his production here. I think

that the purpose is apparent enough without my disclosing it by any cross examination. I simply want to call out a few salient facts, and only wish answers to my questions.

Mr. EVEREST. Will the chairman pardon me for a moment ! Brother Riggs is an old lawyer and a good lawyer, and the members of this committee are lawyers, as I understand. Suppose you asked a witness if he did not state on a certain occasion that he was indebted to A and he should say "yes," when as a matter of fact a full explanation would be that he had paid that debt; would it be fair to that witness, would it be proper conduct for counsel to stop with a simple answer to that question ? The ingenuity of counsel can put questions in such way as to leave any witness in a false attitude.

Senator CAMERON. The chairman has stated that the witness will have an opportunity to explain.

The CHAIRMAN. Mr. Riggs propounded to this witness the question whether he himself had introduced a resolution to expel two members of the legislature.

Mr. RIGGS. To that I desired a direct answer.

The WITNESS. I gave you a direct answer.

The CHAIRMAN. Mr. Riggs then propounded the further question whether the witness himself voted against that resolution.

Mr. RIGGS. That is the question to which I desire an answer.

The WITNESS. I said I did vote against it, and I asked to explain it in full, and he objected.

The CHAIRMAN. I think the witness has already explained. I have no objection to his making a further explanation, but he has already stated in detail in his examination-in-chief the reason which led him to vote against these resolutions.

Mr. RIGGS. And I have not the slightest objection, but I do not want the three or four questions I asked to be the occasion for letting the gentleman regale this committee with material such as he has been giving them.

Mr. EVEREST. I think that remark is not proper.

The WITNESS. It is, coming from Riggs.

The CHAIRMAN. The committee desire no personal feeling injected here in debate.

Mr. RIGGS. I desire one moment's indulgence. The witness put his construction on a certain conversation that he had with me and attributed to me certain motives, admitting that I did not express them. I do not propose to follow it up by giving this committee any personal recollection of mine. I shall not do that ; I simply desire, as I have said before, to put questions and have direct and pertinent answers. Then counsel on the other side, on a re-examination, if they see fit, may call out such explanations as they deem proper. If they do not call out the explanations on their re-examination, I have no doubt the committee, upon a request made by Mr. Legate, will give him a full opportunity to explain every answer he may give in response to my questions.

Mr. EVEREST. There is one remark that ought not to pass unnoticed. I know that Brother Riggs is a gentleman and a courteous member of the bar, and I do not think he meant to say that the purpose for which we called Mr. Legate was apparent to this committee. We called Mr. Legate, who was an opponent of Mr. Ingalls, as a witness. We know nothing about any personal matter between him and Mr. Riggs. We have the right to call this witness the same as any other.

The CHAIRMAN. I suggest that the witness answer the questions propounded.

The WITNESS. I will ask of the committee just this: I am left there with my answer to Mr. Riggs as having voted against that resolution to expel these two men unexplained, and I ask, in its connection, to make the explanation right there.

The CHAIRMAN. The committee think you ought to answer the questions of counsel, and afterwards, if you desire to explain any answer you have given, the committee will award you that privilege.

The WITNESS. Very well. I yield to the better judgment of the committee.

Q. (By Mr. RIGGS.) Besides voting against those resolutions, you voted against every step that was taken looking towards an investigation of the charges of corruption, did you not?—A. I did.

Q. You took a leading, active part against all proceedings looking towards investigation, did you not?—A. I do not know what you term "leading." I took a part.

Q. I mean prominent in the way of making speeches.—A. I took a part. I voted against it and I spoke against it.

Q. I presume that when you spoke against it you had some recollection of a former investigation of Senatorial election fraud in Kansas?—A. I did, and if you will pardon me, right there—

Q. Wait a moment. You can make your explanation afterwards.—A. All right.

Q. You referred to that former Senatorial investigation in your speeches in the house, did you not?—A. I did.

Q. Are you the Mr. Legate as to whom, in the Caldwell investigation, witnesses swore that you received \$1,000 for your vote?—A. There never was such testimony given.

Q. Are you the James F. Legate who was mentioned by Senator Morton and other members of the Committee on Privileges and Elections of the Senate of the United States as being a participant in that election?—A. Yes, sir.

Q. And having voted at that election?—A. Yes, sir; and now for my personal sake I ask that I may explain that matter right here.

The CHAIRMAN. I think you ought to do it.

Mr. RIGGS. I am through with the witness.

The WITNESS. I was a member of the legislature when Alexander Caldwell was elected to the Senate. They got up an investigation of that. No man's honor, no man's character, was too sacred to be free from assault. Before that investigation, with one member of this committee on the committee that investigated it, Governor Carney stated that Mr. Caldwell and Smith told him one night that I got a thousand dollars. Mr. Caldwell stated that he never said anything of the kind; Mr. Len. T. Smith said that he never stated anything of the kind; Mr. Caldwell stated that he never gave me a dollar directly or indirectly. And yet in the report, Oliver P. Morton making it, or rather his clerk drawing it, my name was inserted as having received a thousand dollars. Years afterwards Oliver P. Morton wrote me a letter in which he said that he had re-examined the testimony; that that charge against me was wrong and never should have been made. I am the same James F. Legate referred to there.

The CHAIRMAN. If there is any further explanation you desire to make you can make it.

The WITNESS. Now, I desire to explain with reference to my voting against Mr. Riggs's resolution to expel Anderson and Raybell. We had had a heated discussion and it had grown into almost personal outbreaks in the legislature in the lower house. The discussion came up on the re-

port of the committee, a majority of whom reported exonerating Mr. Ingalls; and every parliamentary dodge that could be invented was used to defeat it. It was carried. After that, this conversation to which Mr. Riggs has alluded occurred between himself and myself. I did feel that the legislature ought to do something expressing their sentiment of censure on these men. I said so to Mr. Callen; I said so to other members besides Mr. Riggs—to friend and foe alike. Mr. Callen agreed with me that night that he would get a majority of the committee together and would report a resolution censuring these men. They did so; they reported his resolution; and if Mr. Riggs could be on the stand he would say that he voted against censuring them. The fight was on the passage of the resolution to censure these men. After that was done I felt that all was done that it was proper and right for the legislature to do. Immediately upon the adoption of that resolution, Mr. Riggs sprang this other resolution to expel, and that I voted against, and it was not carried. That is all I wanted to say about that.

By Mr. EVEREST:

Q. At the election of Mr. Caldwell you represented the same county as you did last winter?—A. Yes, sir; the same county and the same district.

Q. And of the same politics?—A. Yes, sir; I have had the same politics for the last twenty-five years.

Q. The same as Mr. Caldwell?—A. The same as Mr. Caldwell.

Q. You came here as a friend of his and were elected to the legislature on that issue?—A. I was not elected to the legislature on any issue. Mr. Caldwell was made a candidate more at my suggestion, perhaps, than that of any other man. He is a royal arch good fellow, and I think it was an idiotic trick on the part of the State to have him leave the Senate.

Q. State who appointed the committee of investigation in the lower house last winter?—A. The speaker of the house of representatives.

Q. Who was that?—A. Sidney Clarke.

Q. Was there not a refusal on the part of that committee of the house to have anything to do with a like committee on the part of the senate of the State?—A. There was. The speaker of the house on receiving the resolution from the Senate for a joint committee ruled it out of order; ruled that the house could not receive it.

Q. And you say this committee appointed by Speaker Clarke made a majority report fully exonerating Mr. Ingalls?—A. Yes, sir.

By Senator CAMERON:

Q. You have stated that some of the Anthony men had concocted the scheme of getting Hossack drunk and getting him away from the caucus. You did not explain that fully.—A. I do not know as I ought to say—I do not say it with reference to the governor at all, for he knew nothing of it.

Q. I do not speak of him.—A. A great many things we do for our friends that our friends would not do for themselves, and would not have done if they knew they were to be done. We did not want Hossack to go to that Ingalls caucus, and I thought if he had a weakness about getting drunk it would be a good time to get rid of some whisky.

By Mr. RIGGS:

Q. You put up that job on him then?—A. No, I did not put it up on him.

Q. You suggested it?—A. I suggested their keeping him away from the caucus, and they succeeded in doing it.

By Senator CAMERON:

Q. Who were the instruments used to get him drunk?—A. Well, there were a good many of them talked about. There were Brown, Playter, Shaw, and a lot of Leavenworth boys up here.

Q. When did you first hear of the existence of that paper, signed by Hossack or purporting to be signed by him?—A. At the time Mr. Majors told me, on the morning of the day when the resolutions were introduced into the house for an investigation. I had expressed myself earnestly opposed to an investigation, and referred to the matter of former investigations, where no man's character was safe, as one of the reasons why I did not want an investigation; and Mr. Majors said to me, "Hold on, don't you be too fast; don't you say anything about it; I tell you that Playter and Brown and Shaw got Hossack drunk, and got absolute testimony out of him against Ingalls that Ingalls paid him money; and," said he, "it will be here if this investigation is ordered." That was the first that I knew of or had ever heard anything about any instrument or paper in existence.

By Mr. EVEREST:

Q. And that was long after the election of United States Senator?—A. That was after the election of United States Senator.

By Mr. RIGGS:

Q. I desire to ask you a question in relation to the caucuses, simply for information. The Republican caucuses that you spoke of, where certain votes were taken for a candidate for the Senate, were general Republican caucuses, were they not?—A. It was a Republican caucus where all the Republican members of the legislature were invited to be present.

Q. What was the largest number of Republicans who attended that caucus at any one time?—A. My memory is that there were 119.

Q. What was the highest number of votes that you say Mr. Ingalls received at one of those caucuses?—A. In one of those caucuses he received 67 votes.

Q. And yet you say that with 67 votes for Mr. Ingalls you adjourned the caucus?—A. We did.

Q. Is it not a fact that the votes taken in that caucus were reported in the Commonwealth newspaper, published in this city, on each morning after the caucus?—A. Indeed I cannot tell you.

Q. In answer to a question put you by Mr. Everest, you said that 67 was a majority of the Republican members of the legislature, did you not?—A. I said I thought it was. I think, however, I coupled it with the expression, not of my own judgment, but that Mr. Wait said to me that it was a majority of the Republican members of the legislature, and, therefore, he felt that he would have to go with Ingalls.

Q. You do not recollect whether the votes taken in that caucus were reported in the Commonwealth newspaper or not?—A. I do not. I was too busy to look after the papers.

Q. You stated that votes were taken more than one evening?—A. I know they were taken more than one evening.

Q. Do you remember how many evenings that caucus met?—A. I am inclined to think it met only three times. It is possible it met four times.

Q. And you say you do not know that they voted more than one evening?—A. I know they voted more than one evening.

Q. Who was the secretary of that caucus, do you remember?—A. I

think that Mr. Price was president of the caucus, and Mr. Brown, now the clerk of the supreme court, was one of the secretaries.

Q. Was Mr. Morris one?—A. Morris, of Valley Falls, also. There may have been others, but I do not remember them.

The committee adjourned until 8 o'clock p. m., and resumed its session at that hour.

JOHN M. PRICE, a witness called by the respondent, recalled by the memorialists.

By Mr. WEBB :

Question. After your election to the house of representatives last fall, were you here in Topeka at a time when you met at the Tefft House Sidney Clarke and W. W. Guthrie?—Answer. I was here at the Tefft House after my election to the legislature last fall, and I met Mr. Clarke. I am not sure whether Mr. Guthrie was here at that time or not.

Q. I ask if you remember a time when you met both those gentlemen at the Tefft House?—A. I remember when I met Mr. Clarke at the Tefft House, but whether Mr. Guthrie was there or not I cannot say.

Q. Did you, after the time you saw Mr. Clarke here at the Tefft House, write him a letter?—A. Yes, sir; I wrote him a letter.

Q. Do you remember about the date of that letter?—A. I do not.

Q. Did you write him more than one letter, as you now remember?—A. I think I wrote him more than one letter.

Q. Are you willing that the letter which you wrote to Mr. Sidney Clarke, of date 28th December, 1878, shall be read in evidence here before this committee?—A. Yes, sir.

Q. (Exhibiting a letter.) I ask you if you wrote that letter?—A. (Examining.) I did.

Q. The entire letter from date to signature is in your handwriting?—A. Yes, sir.

Q. Shall I read it or will you?—A. You can do it; I do not care; it does not make any difference.

Mr. WEBB. I will offer this letter in evidence and read it.

Mr. FENLON. Let counsel on this side see it first, if you please.

Mr. WEBB. Certainly. (Handing the letter to the counsel for the respondent.)

Mr. EVEREST. (After examining.) Read it, sir.

Mr. WEBB. It is—

[General real estate agency. John M. Price, attorney-at-law. J. H. Talbott, notary public. Price & Talbott, land and loan agents, attorneys-at-law, conveyancers, and notaries public. Loans negotiated on real estate at lowest rates of interest and long time. Office, 315 Commercial street, up stairs. Two doors west of post-office.]

Private.]

ATCHISON, KAS., Dec. 28th, 1878.

HON. SIDNEY CLARKE,
Lawrence, Kansas :

MY DEAR SIR: As a good deal has been said in the newspapers about my appointment as postmaster at Atchison, I deem it just to myself as well as you, in view of the confidential talk we had at Topeka, to say that under no circumstances will I accept the post-office at Atchison at the hands of Mr. Ingalls and resign my seat in the legislature. I will therefore be with you at Topeka this winter, and I hope we will be able to demonstrate that "*there is a God in Israel.*" Please regard this as strictly confidential.

Very truly, your friend,

JOHN M. PRICE.

Q. (By Mr. WEBB.) Now I ask you if at the time you met Mr. Clarke

at Topeka you did not know that he was distinctly and emphatically opposed to the election of John J. Ingalls?—A. I did; at least he told me so.

Q. Whether you met Mr. Guthrie here or not at the time you refer to in this letter when you met Mr. Clarke, did you not know that W. W. Guthrie was positively and emphatically opposed to the re-election of John J. Ingalls?—A. I knew that Mr. Guthrie was opposed to the election of John J. Ingalls.

Q. Did you not meet Mr. Clarke here at the Tefft House by appointment at the time referred to in this letter in which you speak "in view of the confidential talk" between you?—A. Yes, sir; I received a letter from Mr. Clarke asking me to meet him at the Tefft House in Topeka.

Q. And you met him accordingly?—A. Yes, sir.

Q. At the time of that meeting with Mr. Clarke you had not been nominated for the office of postmaster by President Hayes, had you?—A. I think I had been. I think my nomination had been sent in.

Q. At the time of the meeting here when you met Mr. Clarke, had you then been nominated for postmaster?—A. I do not recollect whether I had been or not. I do not recollect just what time I did meet him here, but it was of course prior to the time the letter was written.

Q. Is not this the fact, that intermediately your interview here at Topeka with Clarke and the writing of this letter, you had been nominated for postmaster, and you being a representative in the legislature, the nomination was a subject of newspaper discussion in which it was thought you would resign your position as representative?—A. That may be so.

Q. And after that you wrote this letter to Mr. Clarke to set yourself right with him?—A. Yes, sir.

Q. After the explanation which you make here concerning the office, you then say, "I will therefore be with you at Topeka." What did you mean by the expression "I will therefore be with you at Topeka"?—A. I can tell you, sir. Mr. Clarke, Mr. Biddle, myself, and others were candidates for speaker of the house. Mr. Clarke had desired to have a conference with me in reference to the issue of the speakership, and I came over here for that purpose. It was proposed on his part that we should make common cause of it, inasmuch as he stated to me that Mr. Ingalls and his friends were urging Mr. Biddle for the speakership, and he suggested to me and insisted that we should pool our issues, as the saying is, and see if one or the other of us could not beat Mr. Biddle for speaker. That was the subject of our conversation, and that is why the conference was had here; and that is what I meant when I wrote him that letter about being with him in a coming contest. It was in regard to the speakership.

Q. What did you mean when you said, as this letter reads, "I hope we will be able to demonstrate that there is a God in Israel"?—A. What I meant was that I hoped he and I together would be able, either one of us, to get to be speaker and to beat Mr. Biddle, Mr. Ingalls's candidate, as I understood it at that time.

Q. Now, in view of the contents of this letter and your statements in explanation, I ask you if you do not now recollect that W. W. Guthrie was here at that interview?—A. No, sir; Mr. Clarke and myself had a conversation in the parlor of the Tefft House when there was no one present except him and myself. Mr. Guthrie was not present.

Q. At that time you knew that W. R. Biddle was a candidate for speaker of the house?—A. Yes, sir.

Q. You knew that he was what was called and known as the Ingalls candidate?—A. Mr. Clarke so informed me; that is all I knew about it.

He said Mr. Joseph Wilson had gone down to see Mr. Biddle upon the subject after Mr. Biddle was elected and solicited him to run for speaker in the interest of Mr. Ingalls. That is what Mr. Clarke informed me.

Q. Wilson was not a member of the legislature?—A. He was not.

Q. In the interview between yourself and Mr. Clarke, in which you proposed to unite or pool your issues for the purpose of procuring the speakership, was it not understood that your and his union was anti-Biddle?—A. Yes, sir.

Q. Anti-Ingalls?—A. No, sir; it was anti-Biddle. We wanted to beat Mr. Biddle.

Q. Was not Mr. Biddle Ingalls's candidate?—A. That was what I understood from him.

Q. Clarke was anti-Ingalls, was he not?—A. Yes, sir.

Q. You were willing to lend your strength to Clarke to beat Biddle?—A. Yes, sir; that was the purport of our conversation at that time.

Q. And you in that letter said to him you would be with him and help demonstrate that there is a God in Israel?—A. Yes, sir.

Q. Now I ask you if you were not with him and did not vote against Biddle for speaker, and for Clarke?—A. I voted against Mr. Biddle. I did not vote for Mr. Clarke.

Q. Was not the point and purpose and particular part of the subject-matter discussed here at the interview between yourself and Clarke some way to defeat Mr. Ingalls?—A. No, sir.

DARIUS D. BUELDICK, a witness called by the memorialists, sworn and examined.

By Mr. WEBB :

Question. You reside in Osage County?—Answer. Yes, sir.

Q. How long have you resided in Kansas?—A. Twenty-three years last April.

Q. Were you in Topeka on the day of the final vote for the election of United States Senator at the last session of the legislature of this State?—A. Yes, sir; I was here a few days before the final vote and the last day.

Q. What day of the week did you come here?—A. I cannot say for certain what day; I was here nearly all the time during the Senatorial fight or election; I was here several days.

Q. You were not a member of the legislature?—A. No, sir.

Q. Were you around the Tefft House during your stay in Topeka on the occasion of that Senatorial contest?—A. Yes, sir; I boarded at the Tefft House a good share of the time.

Q. Are you acquainted with J. S. Danford?—A. Yes, sir.

Q. He is a banker residing at Osage City, in your county, is he?—A. Yes, sir.

Q. Did you see him here at Topeka during that Senatorial contest at any time?—A. Yes, sir; I saw him most of the time I was here, I think.

Q. You say "most of the time"; tell us how many days he was here, to your personal knowledge.—A. I cannot say certainly; I saw him several days.

Q. Do you know in whose interest he was working, if at all, for United States Senator?—A. He told me that he was to work for Senator Ingalls; in the election before, he worked for Senator Plumb, and I talked with him some, and he said he was to work for Senator Ingalls in this election.

Q. Did he stop at the Tefft House also, when he was here ?—A. Yes, sir ; I saw him about the Tefft House most of the time ; I think he boarded there ; I saw him there nearly every day.

Q. Do you remember the fact that a caucus was held on the night before the final vote was taken, which was known and spoken of at that time as the anti-Ingalls caucus ?—A. I was not in any of the caucuses ; I heard it spoken about, their holding a caucus, but I was not in any of the caucuses.

Q. Did you hear it stated as a fact that an anti-Ingalls caucus had been held which had nominated Albert H. Horton for Senator ?—A. I heard talking there that they were holding an anti-Ingalls caucus that night ; I did not go to the caucus ; I did not stay at the Tefft House until it was over ; I left the Tefft House and went up home before they got through with the caucus, but the caucus was in session.

Q. What time did you leave the Tefft House ?—A. I was in there, I should think, probably, till one o'clock ; it might have been two ; I was over and hear Senator Ingalls make his speech to the caucus, and I heard them speaking in the Tefft House, and I staid till it was over there, and then I went home, probably about one or two o'clock.

Q. Went home where ? Do you mean to your residence in Osage County ?—A. No ; my brothers and mother live in the city, and I went up to their house to stay nights ; I took my meals mostly at the Tefft House ; they were full there and I lodged at my mother's.

Q. On the night that you heard the anti-Ingalls caucus was in session and that you staid at the Tefft House till one or two o'clock in the morning before you went up to your mother's or brothers', did you see J. S. Danford ?—A. Yes, sir ; I saw him there in the evening, in the night, along, I should think, about midnight.

Q. Whereabouts did you see him ?—A. I saw him several times around in the hotel, and before I left to go home he came up to the hotel register, up to the office there in the Tefft House. The last time I saw him he went from there up upstairs into the rooms.

Q. Did you see him get or receive any money that night from any person there in the office of the Tefft House ? and, if so, state just what you did see.—A. I was standing there by the register, and Mr. Danford came up and spoke to the clerk and wanted a package. The clerk opened the safe and handed him out a package of bills, money.

Q. Did you see that package of money handed to Danford by the clerk ?—A. Yes, sir.

Q. Describe it, its shape and size, as near as you can.—A. It was quite a large roll of money.

Q. Tell us how large a roll ; illustrate it in some manner, if you can.—A. It looked to me to be as large around as my wrist ; quite a large package of money.

Q. Treasury notes or greenbacks, as they are called ?—A. Yes, sir.

Q. Or national-bank notes ?—A. National-bank notes and greenbacks ; I could see it was common currency. I did not notice it particularly.

Q. Did you see the package when it was passed into his hands, and while in his hands, in such way as to know what it was ?—A. I saw the clerk ; I was standing close ; he took it out of the safe and passed it to Mr. Danford. I saw it was money.

Q. Did you see the ends of any of the bills so as to be able to tell the denominations of any of the bills ?—A. I could not say now, but it was my impression at the time that there were pretty good-sized bills. I could not charge my mind with it ; whether I actually saw any of the

figures on the bills I could not state. I know it was money that he took and went out.

Q. I ask you to state, if you can, about how many bills there were in that roll; what number of bills?—A. I do not know that I could say. I should think it would take as many as fifty, probably, to make as large a roll.

Q. You think, then, it would take at least fifty bills to make as large a roll as that was?—A. I should think so. I have handled money, but never very much.

Q. How late in the night was this—as late as twelve o'clock?—A. I should think it was. It was after they had got through; the crowd had mostly left the Tefft House. It might have been later than twelve.

Q. Did you notice where Mr. Danford came from when he came into the room and asked the clerk for that roll of bills?—A. He came from the far side of the Tefft House opposite.

Q. I ask if he came through the door that leads from the office into the hall?—A. I do not know that I noticed until he was probably five or six steps from where he got the money.

Q. Did you notice where he went after receiving the roll of bills?—A. Yes, sir; I noticed he went out back, and went through the door, and went up the stairs in the hall.

Q. When you say he went out back, you mean that he went where?—A. Into the hall that goes into the dining-room, and up those stairs.

Q. Did he go up the flight of stairs nearest the door that leads from the office into the hall?—A. Yes, sir; he went up the stairs that come down opposite the door that goes out, and the door that goes from the bar-room into the hall.

Q. Not the bar-room; the office, is it not?—A. Yes, sir; the office.

Q. Had you ever been up in the rooms occupied by Mr. Ingalls?—A. I was into Senator Ingalls's room two or three times.

Q. Did Mr. Danford go up the flight of stairs that led directly to Mr. Ingalls' rooms?—A. He went up that flight of stairs.

Cross-examined by Mr. EVEREST:

Q. Do you say that flight of stairs led directly to Mr. Ingalls's rooms?—A. I do; he went up the flight of stairs that he would go to go to Mr. Ingalls's rooms.

Q. Or to go to twenty other rooms on that floor?—A. Yes, sir.

Q. This was the night of the Horton caucus, was it?—A. It was the last night before the election.

Q. It was the night that Judge Horton was nominated by the anti-Ingalls caucus?—A. Yes, sir.

Q. And was the night that Mr. Ingalls made a speech too, was it?—A. I think he made a speech down at the hall that night. I know I heard him make his speech.

Q. You attended at that speech?—A. Yes, sir.

Q. Did you come directly from the hall, where Mr. Ingalls made his speech, to the Tefft House?—A. Yes, sir.

Q. Who came from that hall, where Mr. Ingalls made his speech, to the Tefft House with you?—A. I know a man that I saw there where I was sitting, Colonel Whitney, and I think my brother was there.

Q. At that speech?—A. Yes, sir.

Q. Did they accompany you to the Tefft House after the speaking was over?—A. I cannot say for certain, but my impression is that some did. I saw and talked with Colonel Whitney there.

Q. Now state how far it was from the hall to the Tefft House.—A. The hall was Union Hall, I think they call it; about half a block.

Q. This was about one o'clock, you say, or about twelve o'clock ?—A. I went back up there. Colonel Moonlight spoke.

Q. You went after you saw Danford get the money back to the hall again ?—A. No, sir.

Q. Then what time in the evening do you say it was that you saw the money at the Tefft House ?—A. I should judge it was from twelve to one o'clock.

Q. It was in the public office of the hotel there ?—A. Yes, sir.

Q. Were you and Mr. Danford and the clerk the only persons there ?—A. All that were very near. There was no other one standing very near to the office. I think there were some out toward the door. There were not a great many in.

Q. He came publicly into the office and called for the package ?—A. Yes, sir.

Q. Told the clerk to give him that package ?—A. Yes, sir ; I do not know whether he said—

Q. What did he say ?—A. I could not tell whether he said " money."

Q. You do not know whether he said " give me that money," or " give me that package " ?—A. I could not say.

Q. You heard whatever he said ?—A. Yes.

Q. And the clerk opened the safe and gave him a package of money ?—A. Yes.

Q. A roll of money in your presence ?—A. Yes.

Q. Do you say that on the night Mr. Ingalls made this speech Mr. Danford was a friend of Mr. Ingalls in favor of his re-election ?—A. I do not know that he told me that night.

Q. Had he before then told you that ?—A. Yes, sir.

Q. Where was that and when ?—A. He told me in the Tefft House.

Q. When ?—A. After the election.

Q. Get back before the delivery of the package. When and where before this occurrence on that evening had Mr. Danford told you that he was friendly to Mr. Ingalls' election ?—A. He told me in the Tefft House.

Q. Before this occurrence ?—A. Think it was.

Q. Who was by at that time ?—A. I do not remember.

Q. How many were in the office the evening you say this occurrence about the package of money took place ?—A. I could not say ; there were not a great many in. I think there had been a good many in and most had left. I think there were some standing up towards the door.

Q. What sort of a looking man was the clerk ?—A. A youngish looking man ; and I think it is the same man that clerked there most of the time.

Q. Do you know his name ?—A. I do not know that I could tell his name.

Q. Is his name Farnham—James P. Farnham, son-in-law of Mr. McMeekin ?—A. I think it was he, but I cannot say positively. It is my impression it was he. I know it was a clerk I had seen clerking there.

Q. How long had you been at the hall where Mr. Ingalls made that speech before you came to the Tefft House on that occasion ?—A. I was in the hall when he commenced his speech, and staid until he got through.

Q. About how long was that ?—A. I think I must have been in there probably an hour.

Q. About an hour, you think ?—A. I should think so.

Q. And you saw the clerk hand Danford out a package of money on the counter in your presence ?—A. That was at the Tefft House.

Q. That same evening immediately after you went from the hall where Mr. Ingalls had been speaking?—A. It was not immediately.

Q. The same evening?—A. The same evening.

Q. You are positive of that, are you not?—A. I think it was. I will not swear positively that it was that night. But I remember it was that night he handed the money.

Q. Did you ever go on any other occasion from the hall over there and see any money?—A. I never saw him hand Mr. Danford any money only that one time.

Q. Did you ever attend any place where Mr. Ingalls spoke on any other occasion than the night you saw the money?—A. I think not. I do not remember hearing him make any other speech.

Q. Do you know Mr. Danford?—A. Yes, sir.

Q. What is his business?—A. He is a banker at Osage City.

Q. Do you know the amount of money in the package?—A. No, sir.

Q. Did you see any of the bills?—A. I saw that it was money, and I do not know that I noticed anything more.

Q. Do you say the bills were rolled up, and as big around as your wrist?—A. I think the package was about as large as my wrist.

Q. He took it openly, right before you?—A. Yes, sir.

Q. That was a public office, everybody going in and out?—A. Yes, sir.

Q. It had been a sort of general headquarters for all candidates and all persons, had it not?—A. Yes, sir.

Q. You knew Danford well, and he knew you well?—A. Yes, sir; we had been acquainted.

Q. You were both from the same county?—A. Yes, sir.

Q. And belonged to opposite politics, did you not?—A. Most of the time.

Q. Did you not at that time?—A. Yes, sir; I think so.

Q. What were your political sentiments?—A. I was not a Republican at any rate. I am a Greenbacker.

Q. What were his?—A. He was a Republican, I think.

Q. Whom did you favor for United States Senator—Mr. Mitchell?—A. I should like to have seen him elected.

Q. Whose interest were you here in?—A. I was not here in any candidate's interest, still I would like to have helped a little.

Q. At whose request were you here?—A. No one's, particularly.

Q. Were you not the particular friend of S. O. Pomeroy, and did you not make his room your loafing place while you were about the Tefft House?—A. No, sir; I was in his room, I think, probably three times. I do not know but what he thought I was his particular friend, but I never did anything for Senator Pomeroy. I do not know but what he wrote down to me to come up.

Q. You came on to Topeka so soon as you gave him reasons to think so?—A. I do not know that I did.

Q. He treated you as such, did he not?—A. He always treated me very well, but still I am no Pomeroy man.

Q. Who wrote to you to come up here?—A. I got a letter from Senator Pomeroy.

Q. To come here?—A. To come here.

Q. During the Senatorial canvass?—A. Yes, sir.

Q. Did you not tell Mr. Danford that?—A. I do not think I did.

Q. You do not think he knew about it?—A. I do not know. I might have told him, but I do not think I did.

Q. Did not Mr. Danford tell you that his first choice for United States Senator was Major Simpson?—A. I do not recollect his telling me that.

Q. Do you not know as a fact that that was his choice?—A. No, I do not know that it was; I do not know whom he did prefer until he had been here for some time.

Q. Now be kind enough to tell the committee the names of the persons who were in the office of the Tefft House on this occasion?—A. What occasion?

Q. The occasion of the money being handed to Danford by the clerk of the hotel?—A. I do not know any one, only the clerk. There were others.

Q. You were there?—A. Yes, and Danford, and the clerk.

Q. Who else?—A. Those are all I could swear to that were there, but it is my impression that there were some others up towards the door.

Q. Now, supposing this (indicating) was the counter of the hotel office, just tell us where the safe was situated with reference to the counter on that occasion?—A. The safe was situated up on that corner (indicating), here was the counter (indicating).

Q. Where did you stand?—A. Here (indicating) is where the register was. I stood up by the side of it; Danford came up on the left, and the clerk went to the safe and handed the package right across.

Q. So that you looked right on what was done?—A. Yes.

Q. You do not know what business transaction there was between them?—A. I do not think there was any.

Q. You do not know who put the money in the safe?—A. Not at all.

Q. You do not know the amount?—A. No, sir; I do not know the amount.

Q. Nor the size of any of the bills?—A. No, sir.

Q. Nor the number of bills contained in that package?—A. I only judged by the size.

Q. I am asking you for positive knowledge, not for your suppositions. You knew he was a banker, did you not?—A. Yes.

Q. That he was frequently at Topeka on business?—A. Yes, sir.

Q. That is all you know about it?—A. Yes, sir.

Q. Was Senator Ingalls there?—A. No, sir; I do not think he was there or I should have noticed him.

Q. Was the money loose, or was it contained in an envelope?—A. It was rolled up. The money was not in an envelope.

Q. (Handing a paper.) Take this, suppose it to be the money, and place it in the position you saw it in?—A. Give me a thousand dollars and I will roll it up.

Q. Was it rolled up in this shape (indicating)?—A. It was rolled up, the bills lying lengthwise, rolled up like these (indicating), and then rolled right over.

Q. Were the bills with the parts showing their denominations on the outside or inside?—A. I could not see the denominations.

Q. You just saw that it was the color of money?—A. Yes, sir.

Q. That was about all you did see as a matter of fact?—A. I think it was money.

Q. You are sure it was not a piece of waste paper that the clerk handed him?—A. Yes, sir.

Q. The bills were rolled in together, and you now state that it was your first impression they were \$50 bills?—A. I should think by the size, taking that number of bills and rolling them up, it would take fifty bills to make the package.

Q. Was any string or rubber band around the package?—A. I could not see whether there was or not.

Q. Was there a paper around it?—A. A narrow paper around it. That was my impression.

Re-examined by Mr. WEBB:

Q. Do you know as a matter of fact whether the anti-Ingalls caucus at the capitol was held on the same night that Senator Ingalls made his speech at the meeting at Union Hall, or whether they were held on separate nights?—A. I could not say for certain whether it was or not.

Q. Now, ignoring Senator Ingalls's meeting, I ask you whether the time you saw Danford obtain the money from the clerk of the Tefft House was the night the anti-Ingalls caucus was held at the capitol: can you say that?—A. I think it was. I recollect I left there and went home, and after I got home I heard them up at the capitol.

Q. Did you hear before you went to bed, before you retired for the night, that that caucus had nominated Horton for Senator?—A. My brother came and woke me up. I had got home and got to bed, and when they made the nomination he came and woke me up and told me they had nominated Mr. Horton for the Senate.

Q. Are you not mistaken in saying that you heard Senator Ingalls speak at Union Hall that same night?—A. I might be mistaken: I know that I heard Senator Ingalls, and after I got back I heard Mr. Moonlight speak, and I was thinking they were both the same night: but then I might be mistaken.

Q. You heard Senator Ingalls speak in Union Hall at some time?—A. Yes, sir.

Q. And you heard Colonel Moonlight speak some time; where was that?—A. He spoke in the Tefft House.

Q. Your present impression is it was the same night?—A. Colonel Anthony spoke there in the hall of the Tefft House.

Q. Col. D. R. Anthony?—A. Yes, sir.

Q. He made a speech at the Tefft House, too, did he?—A. Yes, sir; the meeting was over there, and it was after they had mostly left that this occurred.

Q. If the night when you heard Senator Ingalls make his speech at Union Hall and the night upon which you heard Mr. Moonlight and Colonel Anthony speak at the Tefft House, subsequently to Ingalls's speech, was a different night from that upon which the anti-Ingalls caucus was held, then I ask you to state which night it was that this money transaction occurred—the night that Ingalls spoke or the night of the anti-Ingalls caucus; if either one is more clear in your recollection than the other tell us which one it was?—A. I think it was the last night.

Q. The night of the anti-Ingalls caucus?—A. Yes; I think it was the night before the election, but I would not swear positively.

Recross-examined by Mr. EVEREST:

Q. Are you sure that Moonlight spoke the same night that you heard Ingalls?—A. I might have heard so much good speaking that I mixed places up.

Q. Are you sure that Colonel Anthony spoke the same night Mr. Moonlight did?—A. I am sure Anthony spoke the same night that Moonlight spoke.

Q. Did Colonel Anthony speak before Moonlight or after Moonlight?—A. After.

Q. Are you sure that all occurred one night?—A. I am sure Colonel Anthony and Colonel Moonlight spoke the same night.

Q. Your best impression is, then, that you were down town and went over to Union Hall and heard Mr. Ingalls's speech, and then came back to the hotel and heard Mr. Moonlight and Colonel Anthony speak. Then, after they had left, I believe you stated, when there were but few in the bar-room, or office, this occurrence as to the money took place. Is this your best impression?—A. That was my impression.

Q. Then, when you had got up home you were woke up and told that Horton was nominated?—A. Yes, sir; the same night.

Q. One and all occurred on the same night, to your best impression? A. That is the way it impressed me, but I might be wrong.

Q. You might be wrong about seeing the money?—A. No; I think I saw the money.

Q. Who paid your expenses here after you were written for?—A. I paid them myself.

Q. You came here at the request of Senator Pomeroy?—A. No; I was coming up, but he wrote a letter; it did not hasten my coming; I had private business; I did not come for the Senatorial election.

Q. What was your private business?—A. Well, I was helping some men to collect some money.

Q. Who were the men, and how long were you doing that?—A. I staid here—

Q. Who were the men that you came here to collect money out of?—A. I do not know that it was anything particular here.

Q. Are you an attorney?—A. No.

Q. Did it take you during all the Senatorial fight to collect a little money at Topeka?—A. Of course I had some little interest in seeing the fight go on, but then I had no interest in either of the candidates, and none of them paid my expenses.

The committee adjourned until to-morrow morning at half past nine o'clock.

TUESDAY, *September 30, 1879.*

The committee met pursuant to adjournment, all the members being present; also, Messrs. Eggers, Stumbaugh, Riggs, and Webb, counsel for the memorialists, and the respondent with his counsel.

The CHAIRMAN. Gentlemen, the committee on Thursday last made an order, which was announced to the counsel, that the committee would proceed in the examination of witnesses that had already been summoned and returned, first calling the witnesses of the memorialists, where there were such witnesses, and when there were no witnesses on the part of the memorialists they would take up the list of the respondent and proceed to examine his witnesses. Complaint has been made of that order by counsel representing the respondent. The committee this morning have taken up the subject in their chambers for deliberation, and with the utmost desire to do everything on their part which shall be agreeable, both to the memorialists and to the respondent, and to effectuate the objects of this investigation, they have deliberated upon the order which they have previously announced, and have come to the conclusion that they will adopt a modification of the order to the extent which I shall announce. This modification is, in their own judgment, right and proper:

Ordered, That the previous order of the committee relating to the examination of

witnesses be so far modified as not to require the respondent to examine witnesses summoned to meet allegations contained in the specifications mentioned in the second memorial until evidence has been offered by the memorialists to sustain such specifications.

There are several specifications contained in the second memorial presented to the Senate upon which no testimony has been offered by the memorialists, and we have understood that witnesses have been subpoenaed to meet those specifications. The committee have thought that it was not proper that the respondent should be required to introduce evidence upon those specifications until some evidence has been offered by the memorialists to sustain them, and therefore they have come to the conclusion that an order of this character is right and proper. They have, therefore, adopted it. In announcing that conclusion I deem it proper to say that this committee have arrived at that conclusion from their own conscientious convictions of what is right. They have not come to that conclusion because of any intimation or any assertion on the part of counsel.

The committee have also adopted another conclusion which it is now proper they shall announce. We desire counsel on both sides of this question to present at as early a moment as they can, and before the close of this day, if possible, a list of the witnesses they may hereafter desire to have subpoenaed, with a statement of the purposes for which they propose to examine them. We do this in order that the committee may take up the applications for subpoenas for consideration. We wish to give to each side ample opportunity to summon all the witnesses which in the judgment of the committee it is proper they should summon. We therefore request counsel at their earliest convenience, and if possible, to day, to submit to the committee a list of such further witnesses as they may require in this investigation. The committee will then take up those applications for consideration.

JOHN BISSELL, a witness called by the memorialists, sworn and examined.

By Mr. WEBB :

Question. You reside in Phillips County of this State ?—Answer. I do.

Q. Were you a member of the last house of representatives, representing in the house Phillips County ?—A. I was.

Q. State whether you were elected on a party ticket ; and, if so, on what ticket.—A. The Republican party ticket.

Q. Were you acquainted with Senator John J. Ingalls previous to your coming here as a member of the legislature last winter ?—A. I was.

Q. How long had you known him ?—A. I think I had met him very soon after his election six years before.

Q. State whether you came here last winter in favor of the re-election of Senator Ingalls, or whether you came here opposed to such re-election.—A. I was opposed to his re-election.

Q. Was your position in that respect well known and well understood by your constituents and by others ?—A. Very generally, I think, in the county.

Q. State whether you saw Senator Ingalls here last winter at any time while the legislature was in session.—A. Yes, sir ; I saw him.

Q. About what time ?—A. Just a day or two or an evening or two before the Senatorial election. I do not remember what particular day.

Q. Where did you see him ?—A. I saw him at several different rooms during the session, I think ; first, if I remember aright, in his own room.

Q. In the Tefft House?—A. Yes, sir.

Q. State whether you went there upon your own motion or volition, or whether you were invited to go there.—A. I intended to go myself, but was invited several times before I got there. I was intending to go as soon as I thought he was not very much crowded with visitors, simply as a matter of civility, but was invited by a good many gentlemen before I got there of my own accord.

Q. State whether when you were visiting Mr. Ingalls or calling upon him at his room in the Tefft House, any conversation occurred between yourself and him respecting your action or vote in regard to the Senatorial election. State who commenced the conversation and what was said by both of you, giving the language as near as you can.—A. I cannot come anywhere near the language, nor can I state who commenced the conversation, but I was ushered into his room by some one or two out of quite a large number in the anteroom, and very soon we were engaged in a conversation on the Senatorial election, but how much of other conversation we had before I cannot remember, and I can only give the substance of that conversation.

Q. Very well, give that.—A. He seemed to be aware, and possibly I may have stated to him—I do not know whether I did or not—that there was a feeling of opposition to him in my county, and he asked me something about it. During the conversation I stated to him some of the reasons, or what I thought were some of the reasons, why there was some objection, among others that he had been unfortunate in the selection of his friends in that section of country, mentioning a number of instances. The conversation continued for some time. He said, in effect, I think, “The prejudice is groundless. I have always been willing to serve your people, do the best I could for them; and if I have made any mistakes I am willing to do all I can to right them.” In the course of the conversation he made the statement that “If you can get rid of those prejudices”—I am not sure that was the word, but that is what it signified—“and can go with the rest of the Republican friends there supporting me, you can have anything you want.” This, however, was preceded by a conversation intimating that he was willing to right anything that he had done amiss or any unfortunate selection that he had made in the filling of positions or appointments, and prior to this conversation the statement had been made by me that personally I wanted nothing, which he seemed to accept. I understood it to have reference to the selection of friends to fill positions in our section of the country. I did not understand it to be an offer to me of anything.

Q. I want you first to state what he said, then what you understood by it is another matter. Just state what he said to you.—A. He said, “If you can get rid of that prejudice and operate with my friends you can have anything you want, post-office, land-office, or anything else,” and I distinctly understood it to be in connection—

Q. I am not asking what you understood. I only want to know what Mr. Ingalls said.—A. That is what he said.

Senator INGALLS. I submit that the witness ought to be permitted to finish his sentences without interruption.

The CHAIRMAN. Proceed with the examination.

The WITNESS. That is as near as I can recollect the substance of that conversation bearing on that particular question. We talked for some time afterwards and before, but what we said I cannot remember distinctly.

Q. (By Mr. WEBB.) I should like to have you go back to the beginning of the conversation, if you can, and give the whole of it. I do not

care to have you repeat what you have already said, but give the whole conversation, and in the order in which it occurred.—A. I made a statement in answer to some question of his—I do not remember the language of that—that the prejudice was not probably wholly groundless; that he had been very unfortunate in the selection of friends; that his favors were first showered on a gentleman who was filling a position in the penitentiary of Missouri; that that was a misfortune, not of course intentional, I thought, but that was one of the explanations of the opposition there, and it was general. I was elected with the understanding that I was opposed to his re-election. He stated then what I said before, that there was no intention to do our people any wrong or to make any mistakes in filling positions, but if there had been they could be righted, and, in effect, “that your judgment would be more regarded than anybody else’s in the selection of those hereafter.”

Q. Addressing you, “your judgment”?—A. Yes, addressing me. That was the purport of it.

Q. Was it in that connection he said, as you have testified, that if you would vote for him or would assist him, he would give you anything you wanted, land-office, post-office, or anything else?—A. It was after another conversation that intervened in which he inquired if there was any change needed, or something of that kind, and I said I wanted nothing personally, would accept nothing personally, only wished those selected who would be most useful to our people, or something to that effect. Then followed the statement that “accidents of that kind are inevitable; but if you can get rid of that prejudice and operate with our friends you can have anything you want, post-offices, land-offices, or anything else.” But it distinctly referred to the appointment of men up there after having a disclaimer on my part that neither myself nor any personal friend wanted anything.

Q. Then you did not understand it as a money consideration that was offered to you at all?—A. I did not understand that it was a consideration for my vote at all any further than the service of our people.

Q. But you did understand that if you turned in and voted for him his proposition was that the patronage of that county should be at your disposal with respect to removals and appointments?—A. Yes, more or less. I understood that the patronage of that section of the country would be controlled very largely by me if I would give him my support.

Cross-examined by Mr. MARTIN:

Q. You did not vote for Senator Ingalls, I believe?—A. I did not.

By Senator VANCE:

Q. Were you examined before the legislative committee?—A. I was.

Q. Have you recently read your testimony before that committee?—A. I have not read it since that evening. I believe I heard it read that evening.

Q. In your testimony appears this:

A. I called at the Tefft House to see Mr. Ingalls on the first day after he came in. He asked me why I could not give him my support; that if I would, my vote and assistance would give him the majority of the Republicans, and make his election certain. He said, as near as I can remember the words, “If you will vote for me, and do what you can to assist me, I will give you anything you want—land-offices, post-offices, or anything else.”

Q. Did you understand “or anything else” to mean money?

A. I did not. I think he referred to official favors, as the removal or retention of offices in favor of friends of mine.

Was that correct?—A. That was about correct, and it is about what I have said now, I think.

SAMUEL N. WOOD, a witness called by the memorialists, affirmed and examined :

By Mr. WEBB :

Question. You reside in Chase County, do you ?—Answer. I do.

Q. How long have you resided in Kansas ?—A. A little over twenty-five years.

Q. You are a farmer ?—A. I have farmed some.

Q. And a lawyer ?—A. I have practiced law.

Q. And you are now a newspaper man ?—A. I am publishing a paper.

Q. You were here at Topeka during the last session of the legislature ?

—A. I was here during a large part of the session.

Q. Are you personally acquainted with John James Ingalls ?—A. I am.

Q. With Calvin Hood, of Emporia ?—A. Yes, sir ; I know him very well.

Q. Are you acquainted with J. S. Danford of Osage City ?—A. I am.

Q. Are you acquainted with James S. Merritt ?—A. I have seen Mr. Merritt.

Q. Are you acquainted with David Auld of Atchison ?—A. Yes, sir ; I got acquainted with him last winter. I have known him by reputation a good while, but I do not remember meeting him until last winter.

Q. Are you acquainted with Joseph C. Wilson of Topeka ?—A. I know Wilson.

Q. Were you here in the interest of any of the aspirants for the United States Senatorship from this State ?—A. No, sir ; I was not.

Q. Were you friendly to any of the candidates who were expected to be voted for and were voted for in the legislature for that office ?—A. Personally I might say I was friendly with all of them.

Q. Politically, how was it ?—A. Politically I was not, excepting with one or two.

Q. Did you have any choice among the candidates ; and, if so, state who your choice was ?—A. My choice was D. P. Mitchell, the Green-back candidate. Finally if I had chosen between Ingalls and Horton, I should have preferred Horton, simply because there were so many of the government officers swarming around Ingalls all the time, but not on account of any personal matter.

Q. While you were here at Topeka during the Senatorial contest, did you have any conversation with Senator Ingalls ?—A. I did have some conversation once.

Q. Where did it occur ?—A. At Mr. Ingalls's room.

Q. About what time ?—A. It was the day previous to the general caucus that was held in the evening at the State-house.

Q. That was Monday, the 27th of January ?—A. I could not give you the date, but I recollect it was the day that caucus was to be held at night. I think I met Ingalls in the public room at other times, but had no special conversation.

Q. State the conversation you had with Senator Ingalls on that day in his room ?—A. My recollection of that conversation is that Mr. Ingalls desired my personal influence and wanted to know how the Green-back members would probably vote whenever they quitted Mitchell, whether they would all go together or whether they would divide. I gave it as my opinion that they would scatter, would not vote for any man solid if they dropped their own candidate.

Q. State the whole of the conversation ?—A. He spoke something about his position on questions in which I was interested, and I ex-

pressed myself as satisfied with his pledges made to us so far as that was concerned. I do not think I can detail the conversation. I recollect as I was leaving—and I recollect how I came to ask the question, I said, "Senator, are you going to use any money in this fight," and he said "No, not until after the caucus to-night," and he said "then come and see me again." However, I did not see him again privately. I asked that question, I should like to explain, because I had asked the same question of Pomeroy six years before at one o'clock at night, and he said he was not going to use any, and just as I was leaving Ingalls it came into my mind and I asked him the same question.

Q. You say you are acquainted with J. S. Danford?—A. Yes, sir.

Q. State whether you saw him here during the Senatorial canvass at any time or times; and, if so, where you saw him?—A. I saw him, I think, almost every day. At the time that he was occupying a room at the Tefft House, I generally saw him at his room.

Q. Can you give the number of that room and its location?—A. I cannot.

Q. Can you not give its location?—A. I recollect it was on the north side of the hall, upstairs.

Q. On the first or second floor above the office?—A. My recollection is it was the third floor, but I would not be positive of that. I think it was opposite Pomeroy's room, if I recollect aright.

Q. Do you know whether any one occupied that room with Danford or not?—A. Well, I saw different parties there. I recollect that Hood slept there one night, for I saw him going to bed.

Q. Do you know what Danford was doing here with respect to the Senatorial election; whether he was working in the interest of any candidate or not?—A. Danford told me that he was trying to make some money out of it.

Q. Out of the Senatorial election?—A. Out of the Senatorial election.

Q. Did he at any time tell you whom he was supporting for Senator?—A. Not until the morning of the election.

Q. At what time was it that he told you he was trying to make some money out of the election himself?—A. It was two or three days before the election.

Q. Where did that conversation occur?—A. At his room.

Q. Was any one present besides himself and yourself?—A. I do not recollect now that there was.

Q. Please state the whole of the conversation between you and Danford.—A. Well, I had gone to Danford's room for the purpose, if I could, of finding out what Senator Plumb's preferences were in the Senatorial fight, on account of a pledge Plumb had made me two years ago when he was elected. My attention had been called to that pledge, and I went down to see Danford and Hood, and find out, if I could, what their preferences were for Senator, and whether they were representing Senator Plumb.

Q. Right here, I will ask you if that Mr. Hood is Calvin Hood of Emporia, who is an officer in Plumb's bank?—A. He is partner of Plumb in a bank at Emporia.

Q. Go on now.—A. I went to see them, to see where they were for Senator, and whether they were representing Plumb's ideas in the Senatorial fight. Hood told me at once that he was for Ingalls for Senator, the first time I talked with him, but denied that he represented Plumb, and Mr. Danford did not really know whether he was for Ingalls or not in our first conversation, but said that he was going to make some money out of it.

Q. Did he tell you in what way? and, if so, state what he said.—A. Well, my recollection of the conversation, in the first place, was that he was ready to go for anybody that he could elect, provided he could make something out of it. He was also drinking a little.

Q. Who was?—A. Danford; and on the night before the election, I think it was, about half after two o'clock in the morning, I went to Danford's room and I told him that Horton was nominated. I found he had already learned it, however, and I then asked him if he did not think it would be better for Plumb and his friends to go to work and elect Horton, as he would be the junior Senator, and Plumb would have more influence and more patronage. He said in reply that Ingalls had promised to give Plumb all the patronage in case he was re-elected, to settle the question of patronage; and then I do not know as I can tell you all the conversation, but finally he said, "Ingalls is a damned fool." I said "Why?" "Why," said he, "he thinks he can be elected without using much money." He added, "Yesterday I tried to elect him for \$5,000, but now it will take ten thousand; I would not take the contract for less than ten thousand." He said, "There was a member that offered me, yesterday, his vote for \$300, but he has been to me since Horton was nominated and raised the price to \$600;" and, says he, "Ingalls has got to secure ten thousand now to us to be elected." Said I, "Do you think he will do it?" or something like that. He said, "I don't know; I have told them to have David Auld here, the president of the First National Bank at Atchison, and I have sent for Hood down to the Fifth Avenue, and I have telegraphed to Plumb to find out what his views are, and if you will come back here in half an hour, I will tell you what I am going to do." I went down from there to Governor Anthony's room and staid around about half an hour and I went back. In the room then I found Calvin Hood and Danford and David Auld, president, as I understood, of the First National Bank of Atchison.

Q. Do you know who his choice was for Senator, or what he was doing?—A. I understood him to be for Ingalls.

Q. Go on now.—A. Mr. Danford introduced me to Auld, and I shook hands with him and asked him some questions about some old acquaintances of that name. Probably I did not stay in the room over five minutes, when I bade them good night and left. Danford followed me to the door and told me to come back in twenty minutes and he would tell me what they were going to do. He told me, "Poor Ingalls has not got any money here, but I have five thousand here, and I am ready to put my money up if Dave Auld will be good for it, but I will not take Ingalls's word for it; I am going to have it sure." Well, I concluded that I was not wanted, probably, and went away. In about twenty minutes I went back and Hood was going to bed; Danford was up yet. "Well," I said, "boys, what are you going to do?" Hood said, "I am going to bed." I said, "Good night." Danford followed me to the door and said, "We have not done anything yet; I will see you in the morning." In the morning I met Danford again in the hotel, and he said, "We have not got that thing fixed yet." It seemed, as I understood it from him, to be a question whether they would put up the ten thousand then or the five thousand. About nine o'clock, on the south steps of the Tefft House—I had left Anthony's room, then Horton's room, and started to go up to the State house; I thought I would go up early and get a seat—I met Danford right on the south steps of the Tefft House, and he said, "Wood, I have got that thing fixed now; if you know of any members who want to sell their votes for Ingalls, just bring them around and we'll divide the profits." Said I, "Danford, how much can I pay?"

"Well," said he, "anywhere up to \$600." I said, "All right," and I left there and went up to the State-house, got a seat near the speaker's stand, and staid till after the election.

Q. Had you any conversation with Danford after the election?—A. Well, my recollection is now that I did; that I asked him if they were going home or something, and he said that he and Hood and Merritt had some business matters to fix up and that he did not know how soon they would get off, or something of that kind. That is my recollection, and I recollect seeing him and Hood and Merritt in a room, I think, the same room or the one adjoining it; the same room where I had seen Danford, or the one right west of it.

Q. Do you remember when it was that you saw Hood and Merritt and Danford in that room?—A. That was the next day after the election.

Q. The day of the election, or the day after?—A. I think it was the next forenoon. That is my recollection now.

Q. In giving your statement where you saw Danford on the steps, I understood you to say on the south steps of the capitol?—A. No, sir; of the Tefft House. I saw him on the south steps of the Tefft House. I saw him as I was going up to the capitol. If I did not say "Tefft House," I did not say what I intended to say.

Cross-examined by Mr. MARTIN:

Q. You were not a member of the legislature last winter?—A. I was not, and am glad of it.

Q. When you asked Senator Ingalls in his room if he was going to use any money, and he replied that he would not until after the caucus, you understood the question as a joke on your part and you understood the reply to be the same thing, did you not?—A. My question I intended as a joke.

Q. And his reply you understood to be the same thing, did you not?—A. Yes, sir.

Q. Is it not true that the conversation that you had with Danford with respect to the use of money was by way of joke both on your part and his?—A. No, sir; I did not understand it so. I understood my conversation with Danford at the time to be confidential. When I testified before the State legislative committee, I testified to just as little of it as I could and answer their questions. Afterwards Danford testified and said it was not confidential, and consequently I felt as if I was relieved from any confidence.

Q. You know that Danford did state that he was merely joking, but you did not understand it in the same way as he did?—A. My recollection of reading his testimony is that he said he was joking.

Q. Is it not true that during the Senatorial contest there was a great deal of banter and badgering back and forth between members and outsiders and those who were to some extent interested in the Senatorial question, in respect to selling and buying and all that sort of thing? Was it not a sort of common talk?—A. I would say that in the public room of the Tefft House and in the halls and corridors probably that is true. I should not quote any conversation I had with anybody in the public rooms and halls and corridors as being a conversation worth recollecting, but the circumstances under which I went to Danford and Hood I regarded as something different.

Mr. MARTIN. That is all.

The WITNESS. I should like to have said that two years before I had been active in the election of Plumb, and I had wanted one or two votes

one day very badly for Plumb, and I went to Senator Pomeroy, whom I had not seen during the session, and asked if he could not give them. He said he could get them under certain conditions. That was——

The CHAIRMAN. I do not know that we can go into any matters connected with the election of Senator Plumb.

The WITNESS. I did not want to do it any further than to explain why I went to Danford and Hood.

Senator VANCE. Does it have any connection with what you have said ?

The WITNESS. I think so.

The CHAIRMAN. Then go on.

The WITNESS. Senator Pomeroy told me if I could see Plumb and if I could guarantee that his influence should not be used for Ingalls two years from then, he would give us the votes. I went and saw Plumb, and Plumb gave me the promise. I went back and gave it to Senator Pomeroy, and we got the votes the next day. When this election was pending Pomeroy sent for me, and called my attention to this promise that Plumb had made, and after that conversation with Pomeroy I went to Danford and Hood to know if Plumb was working for Ingalls, and, if so, how it came after that pledge had been made, to satisfy myself, and to report again to Pomeroy.

Re-examined by Mr. WEBB:

Q. The conversation between yourself and Mr. Danford which Mr. Danford before testified that he regarded as a joke you regarded as serious ?

—A. There was no question about the conversation we had being serious. I demanded to know whether they were working in Plumb's interest and at his instance. They both denied that they were, but said they were working on their own responsibility. Then Danford told me what he was here for was to make money out of it. There was not any politics in it so far as he was concerned.

Recross-examined by Mr. MARTIN:

Q. Were you favorable to Senator Ingalls at any time during the contest ?—A. Well, no ; I was not working for Ingalls at any time.

Q. You did all that you reasonably could against his election ?—A. I did not. I will say here that I never went to a single man and asked him to vote either for Ingalls or against Ingalls until the night of the final caucus I went to a friend of mine, a Greenbacker, from Cowley County, and asked him if he could support Horton. He said his constituents, whenever the Greenback candidate was dropped, preferred Ingalls. There I dropped the matter. Mr. Rood, boarding at the same house that I boarded at, a Greenbacker from Montgomery County, sent for me after he had been at the Horton caucus. He said he had agreed to vote for Horton ; but, owing to some local matters in their county that had come to his knowledge, he could not do it ; that his constituents would run him out of the county, and he had got to vote for Ingalls. Said he, "What can I do ?" Said I, "You have got to go to Horton and some of his friends and tell them the reason, to set yourself right." Said I, "It is rumored all over the town that Ingalls is using money, and if you vote for Ingalls they may say you have sold out, and my advice would be for you not to vote at all" ; not that I cared anything about Ingalls ; but I wanted to keep him right. He was a Greenbacker. He said if he did not vote for Ingalls his constituents would say it was half a vote for Horton, and he would have to vote for Ingalls. Said I, "Then go and set yourself right with the men you

have been in caucus with." He told me afterwards he had done so. I did not want any Greenbacker to sell out and let it be found out on him.

By Mr. WEBB :

Q. I wish to direct your attention again to the time of your conversation with Senator Ingalls. You have stated what the conversation was, and that it might have been a joke. Did Senator Ingalls sign any pledge at that time?—A. No, sir; not at that time. He had signed a pledge to the Greenbackers before that.

Q. Who drew that pledge?—A. I did.

Q. Did Senator Ingalls sign it?—A. He did.

Q. In his own handwriting?—A. He did, if I know his handwriting, and I think I do, for I have seen it more or less for the last twenty years.

Q. What was that pledge?—A. I do not think I could repeat it here. I recollect how it was got up. I was in Mr. Phillips's room, and a gentleman came in there, and I bet the oysters with him that I could write a Greenback pledge so strong that Ingalls would not sign it, and he bet the oysters I could not. I sat down and wrote one a little too strong for me, and he went to work and copied it; I told him it would not do to take it to Ingalls in my handwriting.

Q. Ingalls could not read it, probably?—A. I do not know. I told him to copy it, and then to send some Greenback friend of Ingalls to him with it. I saw it afterwards. It was signed with one or two unimportant corrections; one was that it pledged the Senator to vote to compel the Treasurer to pay out silver coin for interest on the public debt. I had it "to compel John Sherman," and he had marked that out and inserted over it "the Secretary of the Treasury." The reason given to me was that Sherman might not be Secretary, and he wanted to compel the next one to do it, and so on. The pledge was a little stronger than I would have wanted to sign myself. I wanted to win the oysters, but I had to pay the oysters.

By Mr. MARTIN :

Q. I understood you to say that when Danford finally told you he had made up his mind to be for Ingalls, and wanted you to go to work and you and him to divide profits, he authorized you to pay as high as \$600 for votes. You asked him how much you could afford to pay, and that was his reply. Were you both in earnest?—A. I understood him to be in earnest.

Q. And you were, as a matter of course, I suppose?—A. In what?

Q. In purchasing votes and dividing the profits.—A. No, sir; I was in earnest in intending to go to the State-house and pay no more attention to it—just what I did do.

WILLIAM H. VERNON, a witness called by the respondent, sworn and examined.

By Mr. EVEREST :

Question. Where do you reside?—Answer. In Pawnee County, in this State.

Q. What is your business?—A. I am an attorney.

Q. Were you subpoenaed here as a witness before this committee; and, if so, by whom?—A. I was subpoenaed, as I understood, by the memorialists.

Q. Were you present in Topeka at the Senatorial contest in this State last winter?—A. Yes, sir; a part of the time.

Q. Did you know one H. C. Fisler, who was a member of the legislature from Harper County?—A. I knew the party who was the member from Harper County; that is, I knew that he was, but I did not know his name.

Q. Do you know J. S. Merritt?—A. I do.

Q. Have you read the printed testimony of Mr. Fisler that was taken before the legislative investigating committee?—A. Not carefully. I have read it, but not carefully.

Q. Do you recollect the circumstances of the member from Harper County going to Mr. Merritt and inquiring of him where there was any money that could be obtained for votes?—A. I recollect hearing a conversation between the member from Harper County and Mr. Merritt.

Q. When and where was that?—A. That was in Senator Ingalls' rooms; I think in the room on the east side of the hall. My recollection is that it was the Thursday evening of the week of the election.

Q. Do you recollect the number of that room?—A. I do not.

Q. In going up the stairs from the front entrance of the hotel, where was the room situated with reference to the head of the stairs? If you were going up the stairs, do you know which way you would turn from that to reach the room you speak of?—A. I think in going up the stairs you go north, and then turn south and go into the room, and it is on the left hand side of the hall.

Q. State to this committee what was said by the member from Harper County to Mr. Merritt on that occasion and what was said or done by Mr. Merritt.—A. My recollection is that the member from Harper County came in and stated to Mr. Merritt that he understood money was being used and he wanted to know where he could get some of it, or words to that effect. Mr. Merritt called him out in the hall or walked out in the hall with him, and pointed up to the rooms immediately over it, and stated that in those rooms or in that room was the only place he knew where money was used.

Q. State if you knew who those rooms were occupied by to which Mr. Fisler was referred by Mr. Merritt.—A. I do, at that time.

Q. By whom were they occupied?—A. Senator Pomeroy.

Q. You say that the member from Harper County first said to Mr. Merritt that he understood money was being used for the purpose of obtaining votes in the Senatorial contest, and wanted to know where he could get some of it?—A. That is my recollection of the conversation.

Q. And he said that those rooms up there, pointing to the third floor, indicating the rooms occupied by Senator Pomeroy, was the only place where he knew there was any money being used?—A. That was his answer.

Q. That was the effect of that conversation?—A. Yes, sir.

Cross-examined by Mr. RIGGS :

Q. You stated, in answer to a question, that you were subpoenaed here by the memorialists, as you understood?—A. Yes, sir.

Q. Your subpoena, I presume, did not indicate anything as to who subpoenaed you?—A. I do not recollect whether it did or not. I do not believe it did.

Q. After you got here you came to see me, did you not?—A. I think I had a conversation with you.

Q. You asked a conversation with me, did you not?—A. No, sir; I think I was asked to go and see you.

Q. So far as you were concerned, you said you wanted to talk with me?—A. Yes, so far as you are concerned.

Q. And you went into my room with me?—A. Yes, sir.

Q. That was last evening after you got to town?—A. Yes, sir.

Q. I asked you at that time what you knew about the Senatorial matter, did I not?—A. I think probably something of that kind.

Q. And you told me you did not know anything, did you not?—A. Well, I think probably I made some answer of that kind, perhaps not exactly in those words, but that in substance. I said I did not know that I knew anything.

Q. Then I told you that Mr. Ballinger said that you had told him that you had learned at headquarters on the night of the election that Ingalls had \$20,000 here to secure his election. Did I not tell you that Mr. Ballinger had told me that?—Q. You told me something of that kind.

Q. Then you said that Ballinger was mistaken, did you not?—A. Yes, sir.

Q. And that you had got your information from Judge Peters instead of from headquarters, as you had told Mr. Ballinger?—A. I think I stated that all the information I had on that point came from Peters.

Q. I stated to you something else that Mr. Ballinger told me that you had stated to him, which you denied having stated, did I not?—A. I do not think of anything else now.

Q. At all events, did I not afterwards ask you, "What do you know," and did you not tell me that you knew nothing?—A. I think I stated that I did not know anything that would be of any benefit to any one; that I did not believe I did.

Q. Did you state to me anything in relation to this matter of the member from Harper County?—A. I do not think that I did.

Q. Do you not know that you did not?—A. I do not believe I told you anything about that.

Q. Do you not know that you did not?—A. My recollection is that I did not.

Q. The conversation was yesterday evening, was it not?—A. Some time yesterday evening.

Q. Have you any doubt that you did not?—A. My recollection is that I did not.

Q. You asked me then if you would be examined, did you not, and did I not say no?—A. I think you stated that you thought I would not be.

Q. Did I not tell you that you would not be?—A. I do not believe you did in those words. I think you stated that you thought I would not be examined.

Q. Do you not know then that I came here last night, and were you not in this room last night when I announced that you had been brought here in obedience to our subpoena, and that we would not examine you?—A. I came into the room when you were making some statement of that kind.

Q. Did I not afterwards tell you that, you were discharged so far as we were concerned?—A. You did.

Q. And you stated that you were not discharged, and I went to the sergeant-at-arms in your presence and called his attention to the fact that we had discharged you?—A. Yes, sir; I think it was at my request, because I wanted to know on that point.

Q. You say you did not know the member from Harper County by name?—A. I did not.

Q. Were you introduced to him?—A. I do not think I was.

Q. Did you know that his name was Fisler at the time?—A. I did not.

Q. How did you know he was from Harper County?—A. I knew he was the member from Harper County because I asked at that time who this party was.

Q. You asked at the time?—A. At the time of this conversation, immediately after the conversation.

Q. Whom did you ask?—A. I took pains to find out who that party was.

Q. You do not know whom you asked?—A. I do not.

Q. Did you ask more than one?—A. I do not know that I did.

Q. Do you know that the man whom you asked knew that it was the member from Harper County?—A. I do not know anything about it.

Q. Was it in Ingalls's room, you asked the question?—A. I think it was; I was in there.

Q. Now you say that the member from Harper County spoke to Mr. Merritt in your hearing, and said that he understood money was being used and he wanted to get some of it, and asked him where he could get it?—A. That is my recollection of that conversation.

Q. And that is the whole of it?—A. That is as far as I recollect, and I think, probably, the whole of the conversation at that time.

Q. Where were they standing when that occurred?—A. My recollection is that they were in Ingalls's room, on the east side of the hall, near the window.

Q. In Ingalls's room on the east side of the hall, near the window?—

A. Yes, sir; that is my recollection.

Q. That is one of the rooms over the office?—A. Yes, sir.

Q. Do you not know that that was Senator Ingalls's room?—A. Yes, sir; I do.

Q. You were there frequently?—A. I was there.

Q. You were here as a supporter of Senator Ingalls, were you not?—

A. I was not.

Q. But you were betting on his election?—A. No; I did not bet on his election.

Q. Did you not offer to bet on the election the night before?—A. I did.

Q. I supposed you had got the bet.—A. No, sir.

Q. You were there frequently while here?—A. Yes, sir.

Q. Every day?—A. Several times a day.

Q. So you knew perfectly well when you were asked whose rooms those were that they were Senator Ingalls's rooms?—A. Yes; I knew they were his rooms.

Q. In which room was it that you heard the conversation between the member from Harper County and Mr. Merritt?—A. In the room next the hall on the east side.

Q. And you have detailed all that you heard?—A. All that I recollect of that conversation.

Q. What did Merritt do, or where did he go after that?—A. He went out into the hall with this party.

Q. What part of the hall?—A. I think right in front of the door.

Q. And he pointed to a room upstairs?—A. Right over the door, above the room they were in at the time.

Q. He pointed to a room upstairs you said a while ago?—A. Yes, sir; up in the third story.

Q. And he said that that was the only place he knew of where money could be got?—A. That was it.

Q. He said nothing else than that?—A. Nothing that I recollect.

Q. That is just as explicit as you can remember it?—A. It is.

Q. Where were you standing in Senator Ingalls' room when Merritt went to the door?—A. My recollection is that I followed them to the door.

Q. That is your recollection, that you followed them to the door?—A. I think so. I was interested in hearing that answer, and my recollection is that I followed to the door to hear it.

Q. You wanted to know yourself where the money was, did you?—A. I wanted to know what the answer would be.

Q. And that was his answer, pointing to a room upstairs, that that was the only place he knew where money could be had?—A. Yes; that was in substance the answer.

Q. Did he mention any names?—A. I think he did not.

Q. What time last winter did you come here?—A. My recollection is that I came here on Wednesday of the week of the Senatorial election.

Q. The Wednesday before the Friday when the final ballot was taken?—A. Yes, sir.

Q. Then you were here only two days before the Senatorial election?—A. Wednesday, that evening, Thursday, and Friday.

Q. How did you come, on a pass or otherwise?—A. I think I came otherwise.

Q. Do you swear that you did not come on a railroad pass?—A. My recollection is that I paid my fare up.

Q. Did you go home on a pass?—A. I did.

Q. Who furnished you that pass?—A. I think our member procured it for me.

Q. Do you not know who furnished it?—A. I do not, because I never asked him where he got it. He said he did not get it himself; he got somebody else to get it.

Q. Who was your member?—A. Waite.

Q. Davis H. Waite?—A. Yes, sir.

Q. Davis H. Waite was a friend of Senator Ingalls, and voted for him?—A. I think he voted for Ingalls.

Q. Did you notice whether that pass was one of Ingalls's passes, good only when countersigned by him?—A. It was not that kind of a pass, I am positive.

Q. Do you swear it was not?—A. I swear it was not, because I should have notice if it was.

Q. Where did you board when you were here?—A. I boarded most of the time at the Fifth Avenue Hotel.

Q. Did you board any of the time at the Tefft House?—A. I do not believe that I did; I do not recollect.

Q. Do you not know whether you did or not?—A. My recollection is that I did not; I do not think that I did.

Re-examined by Mr. EVEREST:

Q. State now, as it has been gone into, all the conversation you had with Mr. Riggs after you got here yesterday.—A. I think I have stated it pretty fully. It was very short and brief; he simply asked me what I knew, or something to that amount, and I told him that I did not think I knew anything that would be of any benefit to anybody.

Q. Was the matter of the testimony of Mr. Fidler called to your attention by Mr. Riggs at all?—A. It was not at all called to my attention by anybody at that time.

Q. What attracted your attention to the member from Harper County that caused you to go to the door and look at the parties to ascertain what was going to be done?—A. My recollection is simply this: The question seemed so stange to me and was asked in such a public manner that I felt interested in hearing what the answer would be. It impressed itself on my mind as being a very singular question to ask in that way.

Q. You knew that he was a member of the legislature?—A. I did not until he asked the question and I inquired.

Q. That was the occasion of your looking after him?—A. It was.

Q. It impressed itself upon your mind as being a very singular statement or question?—A. It did.

Q. The rooms occupied by Senator Pomeroy were immediately over the rooms occupied by Mr. Ingalls?—A. They were.

Q. Senator Pomeroy's rooms were on the third floor?—A. Yes, sir.

Q. Mr. Ingalls's rooms were on the second floor?—A. That is my recollection.

Q. This was Thursday night you say?—A. My recollection is that it was Thursday evening after supper some time.

Q. It was the night previous to the final ballot for Senator, I understood you to state?—A. That is my recollection.

The committee took a recess until 3 o'clock p. m., and at that hour resumed its session.

JAMES P. FAENHAM, a witness called by the memorialists, re-called for further examination by the respondent.

By Mr. EVEREST:

Question. Do you know J. S. Danford?—Answer. Yes, sir.

Q. How long have you known him?—A. About six months.

Q. Did you know him during the Senatorial contest of last winter?—A. Yes, sir.

Q. Were you the clerk in the Tefft House during the Senatorial contest?—A. Yes, sir.

Q. State if you recollect the evening that Senator Ingalls made a speech at Union Hall?—A. Yes, sir.

Q. Do you recollect the evening of the Horton caucus?—A. Yes, sir.

Q. Were they both on the same evening?—A. No, sir.

Q. How many evenings apart were they?—A. Some two or three, I think.

Q. State who had charge of the safe in the Tefft House at those times?—A. The proprietor and myself.

Q. Who was the proprietor?—A. H. D. McMeekin.

Q. Who else?—A. The first was McMeekin & Hartzell.

Q. Were you the bookkeeper and the person who had charge of the money affairs of that house?—A. Yes, sir.

Q. Were you on duty as clerk of that hotel on the evening that the speech was made by Senator Ingalls at Union Hall?—A. Up to nine o'clock.

Q. Were you on duty the evening of what was known as the Horton caucus?—A. Yes, sir; for the same time, up to nine o'clock in the evening.

Q. Did you go on duty again before the Horton caucus closed; and, if so, about what time?—A. I came on duty between two and three o'clock that night.

Q. Did J. S. Danford receive from you on either of those evenings any money or package of money ?—A. No, sir.

Q. Did J. S. Danford at any time during that Senatorial contest deposit in that safe any money ?—A. No, sir.

Q. Do you know the room that was occupied by Charles H. Miller in that hotel ?—A. Yes, sir.

Q. What was the number of that room ?—A. 118.

Q. How near is the door of 117 to the door of 118 ?—A. About 6 or 8 feet. If the diagram was here I could point it out.

Q. When you went off duty as clerk at the Tefft House on the evening that Senator Ingalls made his speech at Union Hall, who relieved you ?—A. Mr. J. W. Hartzell.

Q. When you went off duty at nine o'clock and came on duty again about two o'clock on the night of the Horton caucus, who took your place during that interval ?—A. J. W. Hartzell.

Cross-examined by Mr. WEBB :

Q. You said the firm was known as McMeekin & Hartzell ?—A. Yes, sir.

Q. That is, the house was kept by McMeekin & Hartzell ?—A. Yes, sir.

Q. They were what we call the proprietors of the house ?—A. Yes, sir.

Q. You were one of the clerks ?—A. Yes, sir.

Q. J. W. Hartzell, whom you have just named, was one of the partners, was he not ?—A. Yes, sir.

Q. A partner with McMeekin ?—A. Yes, sir.

Q. I understand you to say that you were the bookkeeper at that time ?—A. Yes, sir.

Q. While you were a clerk you were on duty as such clerk until nine o'clock at night, and then you came on duty again at two o'clock in the morning. Is that correct ?—A. No, sir ; it was not my usual time to go on at two o'clock in the morning ; I did it that particular night. That was the only time I came on duty at two o'clock in the morning.

Q. Which particular night did you go on duty at two o'clock in the morning ?—A. The night of the Horton caucus.

Q. Whom did you relieve when you came on ?—A. Mr. J. W. Hartzell.

Q. The proprietors had and kept a large safe in the office, did they not ?—A. Yes, sir.

Q. Was it not a very usual thing for patrons of the hotel having valuables, particularly moneys, to have them deposited in the safe ?—A. Yes, sir.

Q. Was there any registry kept of such packages when the guests were known ?—A. No, sir ; there was always a check given.

Q. State your hours of duty as clerk, covering all of Thursday and Friday, the 30th and 31st of January.—A. My usual hours ?

Q. No ; give us your hours of duty on those days. It was Thursday that the anti-Ingalls caucus was held. Do you know what days I mean ? When did you go on duty on Thursday ?—A. Seven o'clock in the morning.

Q. How long did you remain on duty ?—A. Until nine o'clock at night.

Q. Without intermission ?—A. Of course not ; I went to my meals. I presumed that was necessarily supposed.

Q. You were then absent for breakfast, dinner, and supper ?—A. No, sir ; I had my breakfast before I went on duty.

Q. Then you were absent at dinner and supper?—A. Yes, sir.

Q. At nine o'clock you were relieved by Mr. Hartzell?—A. Yes, sir.

Q. And for some reason or other you came on duty at two o'clock a. m.?—A. Yes, sir; by his request.

Q. Did he remain there also, or did he leave when you came on duty?—A. He went to bed.

Q. Now, do you undertake to say that Mr. Danford did not at any time deposit any moneys in the safe, or hand them to you or some one of the proprietors in the house to be deposited in the safe there in the office for safe-keeping?—A. I claim to say that he did not hand any to me.

Q. You do not say then that McMeekin or Hartzell, or some one else authorized, did not not receive money from him and deposit it in the safe?—A. I do not.

Q. You simply say that you did not receive any money from Mr. Danford, and that you did not deliver any money to Mr. Danford?—A. Yes, sir.

Q. That is what you mean to say?—A. It is.

Q. Would a transaction of that kind be so extraordinary as that you could not be mistaken, but would certainly remember it?—A. I would.

Q. Would what?—A. Remember it.

Q. Now you say positively, beyond any mistake, that you could?—A. I answer positively that there was not.

Q. You did not deliver any money to Mr. Danford?—A. I do say so.

Q. Did you deliver to Mr. Danford any package from the safe?—A. No, sir.

Q. Did he at any time make any deposit with you, to go into the safe, of any money, books, papers, or packages of any kind?—A. He never did as long as I knew him.

Q. Did other persons make deposit there to you, to whom you gave checks for their deposits, during the period of the Senatorial contest?—A. No, sir.

Q. Did any person or persons?—A. No, sir.

Q. I asked you some time ago, and I repeat it now, if it was not a frequent, perhaps a usual, thing for guests at the house to deposit moneys and other valuables there for safe-keeping?—A. Yes, sir.

Q. Not having the diagram before me, I wish to ask you a question in relation to what was asked you about C. H. Miller's room. You said the number of that room was 118?—A. Yes, sir.

Q. Counsel asked you how near the door of 118 was to the door of room 117. What was your answer?—A. Six to eight feet.

Q. Which direction from room 117 is room 118?—A. The north end of 118 corners on to the west end of 117. The east end of 117 corners on to the north end of 118. By the diagram I could show you very plainly.

Q. The entrance to 117 is in the west?—A. No; the entrance to 117 is in the south.

Q. I said "west," but I meant "south." How is the entrance to 118?—A. On the south end; you go right in lengthwise of the room.

JOHN W. HARTZELL, a witness called by the respondent, sworn and examined.

By Mr. EVEREST:

Question. Were you one of the proprietors of the Tefft House during the late Senatorial contest?—Answer. I was.

Q. Do you recollect the evening of Senator Ingalls making a speech at Union Hall?—A. I remember reading of it; I did not hear the speech.

Q. You recollect the fact?—A. Yes, sir.

Q. Do you recollect the fact of the meeting of the Horton caucus at the capitol building the night before the final ballot for United States Senator?—A. I remember that circumstance.

Q. State who was on duty or acting as night clerk at your hotel on the evening of the speech of Senator Ingalls at Union Hall.—A. I was.

Q. What hour did you go on duty as such clerk?—A. At nine o'clock in the evening.

Q. How long were you on duty that evening?—A. I was on all night.

Q. Whom did you relieve, or who was on duty in the day-time before you went on?—A. Mr. Farnham.

Q. Who relieved you in the morning?—A. Mr. Farnham.

Q. Do you know J. S. Danford?—A. I do.

Q. Did you receive from him or deliver to him any package of money or any other package from the safe of the Tefft House on that evening?—A. I did not.

Q. State what time you went on duty the night of the Horton caucus.—A. I usually went on about nine o'clock; it might vary a half hour.

Q. Whom did you relieve that night?—A. My brother was night clerk, but he was sick at that time and I took his place for the time being.

Q. He was not on duty either of those nights?—A. No, sir.

Q. Whom did you relieve as a matter of fact?—A. Do you mean who was day clerk?

Q. Yes, sir.—A. Mr. Farnham.

Q. How long were you on duty the night of the Horton caucus?—A. All night.

Q. Were you not relieved as matter of fact some time in the morning by Mr. Farnham?—A. I was.

Q. About what time, should you think?—A. I should think it would be about seven o'clock; sometimes it would vary a half hour.

Q. During the night of the Horton caucus did J. S. Danford deliver to you or receive from you or from the safe in the office of the Tefft House any package of money or any other package whatever?—A. Not that I remember—none.

Q. What is your statement; did he or did he not?—A. He did not.

Q. Was Mr. McMeekin there any nights?—A. No, sir.

Q. Was your brother there any of those nights I have spoken of?—A. No, sir.

Q. What was the reason?—A. He was sick.

Q. State how it was in or about the Tefft House on the night of Senator Ingalls's speech at Union Hall. Were there many people there or few?—A. There was a large crowd there.

Q. Were some speeches made there in the office?—A. Yes, sir; speeches were made there.

Q. How long did that crowd remain there?—A. Pretty much all night.

Q. How big a crowd was it; was the office filled up?—A. At times one could not get through the office.

Q. How was it in that regard the night of the Horton caucus while you were up?—A. There was a large crowd until long after the caucus adjourned. There was no room in the office, the saloon, or on the sidewalk.

Q. They literally took possession ?—A. They just took possession of the place.

Q. They staid there nearly all the time you were there ?—A. Yes, sir. The crowd was large all night.

Cross-examination by Mr. WEBB :

Q. What time was your brother taken sick ?—A. He was sick three or four days during that time.

Q. Tell us when he was taken sick, and when he was able to be out again.—A. I do not remember the dates ; I only remember on account of the caucuses and the time that we had here, and that I took his place during the night.

Q. How many nights did you take his place there ?—A. Three nights, I think.

Q. Were those three nights in succession ?—A. Yes, sir.

Q. Was the first one the night of the Ingalls meeting at Union Hall ?—A. I do not think it was ; I think I was on watch the night before that.

Q. Three nights in succession. Any more than three nights in succession ?—A. I think not ; I think three or four nights in succession, but I am not positive as to the number of nights.

Q. You were on duty in place of your brother on the night before the night on which Ingalls spoke at Union Hall, and on the same night that Ingalls spoke at Union Hall and on the following night ?—A. I think so.

Q. You think they were three nights in succession ?—A. Yes.

Q. Are you not confident ?—A. I am ; because I remember the night of the Horton caucus and the night of Mr. Ingalls speech, and I know I was on duty those nights. I know from that, and I know that he was sick at that time.

Q. Are you certain that you were on duty all night from nine o'clock or thereabouts when you came on at the time of the Horton caucus ?—A. I think I was.

Q. On duty until the usual time, seven o'clock in the morning ?—A. Yes, sir. It might have been a little earlier or a little later ; I could not tell about that.

Q. You were one of the proprietors of the Tefft House for a year and a half, were you not ?—A. Yes ; more than that.

Q. Full that length of time ?—A. Yes, sir.

Q. Was it not a very usual thing for guests of that house to deposit moneys and other valuables in the office to be placed in the safe for safe-keeping ?—A. Yes, sir, it was.

Q. You have known it to be done a great many times ?—A. Very often.

Q. Was any record ever kept of it at the office to your knowledge ?—A. They used checks.

Q. Did you ever know of any registry to be kept of it ?—A. No book record.

Q. Was it not so frequent an occurrence that you would not be able to tell one in a hundred of those who made deposits and call their names and state the deposits ?—A. I do not know but that may be true. One in a hundred is a good many ; but there might have been a great many deposits there and I not know of them. I would not know unless the man came and asked me for it. I had the combination of the safe and could give it. They did not ask me for it. It might have been made during the day and I not know anything about it.

Q. You do not pretend to say that Mr. Danford did not deposit money there for safe-keeping ?—A. I do not.

Q. Did any person to your knowledge deposit money there during the Senatorial contest, say, for an average of ten days next before and including the day on which the final vote was taken?—A. I think I can say they did.

Q. Can you tell who did?—A. I do not think that I can tell who did.

Q. Can you tell who took the money away again, as matter of personal recollection, not of inference or deduction?—A. I cannot now remember any person who put money in there and took it out. I cannot give their names, but undoubtedly they did at that time and during that time.

Q. Why are you able to say now that Mr. Danford did not make deposits while you were there?—A. I only say that he did not make deposits during that night, nor did he get anything during that night.

Q. How are you able to say that if it was a matter of frequent occurrence; I suppose Mr. Merritt could have come to you and asked for money?—A. I know Mr. Merritt well, and I would remember it. So with Mr. Danford; I know Mr. Danford as well as I know any man in the city.

Q. Would you not be less likely to remember a man that you knew and of whom you had less suspicion than otherwise? If a man comes to you and asks for money out of the safe, where he is a stranger, you look at him?—A. But a man like Mr. Danford, a man that I know so well as he, I do not think could come to me with a large package of money to put in the safe and I not know it; nor would he ask me to give it to him without my knowing it.

Q. You say there was a large crowd there?—A. There was.

Q. The office was full?—A. Yes, sir.

Q. So that it was almost impossible for persons to get around?—A. Yes, sir.

Q. You are well acquainted with Mr. Danford?—A. Yes, sir.

Q. He steps up to the counter, hands out his check, and says, "Mr. Hartzell, give me the package." You go to the safe door, open the safe, take out the package having a tag on it corresponding with the check, and hand it to him, as a business transaction, and turn to wait on some other guests. Would such a circumstance impress itself on your mind at all?—A. It seems to me that it would.

Q. Might it not occur a hundred times and you not remember it afterwards?—A. There might be a possibility of it, but I do not think it probable. It does not seem to me that Mr. Danford could come and ask me for a large package of money or a package out of the safe, and I give it to him and not remember it.

Q. But packages of money were deposited?—A. Yes, sir.

Q. Who made the deposits?—A. A, B, and C.

Q. Name them. Did you know any of the men?—A. Well, I remember one man by the name of Schultz that had money there during that time. He said, "There is a large crowd here, and I wish you would take this money." I did not count the money, but just gave him a check.

Q. Who else?—A. I do not think that I can give you another name. I do not now call to mind another.

Q. Did Mr. Ingalls deposit any money there?—A. Not that I know of.

Q. James S. Merrett?—A. Never, that I know of.

Q. David Auld?—A. Not that I know of.

Q. Calvin Hood?—A. Not that I know of. I do not believe that I know him.

Q. Did C. M. Foulkes, of Osage City? Did you know him?—A. I think I know a Mr. Foulkes, but I do not think he deposited any money.

Q. Can you say certainly whether he did or not?—A. No; I cannot say, because he might have deposited it in the day-time, and not have called for it at night. He did not ask me for any money, and did not deposit any with me.

Q. Where does that man live that deposited money?—A. Schultz is a Saint Louis man—a traveling man, wearing spectacles. I remember that circumstance because he came to me.

Q. I do not care about any further explanation of it. Were all the other men who made deposits strangers to you?—A. I say to you that I do not know of any other man but this one who made a deposit with me during those nights. I cannot remember the name of any other gentleman, nor remember any deposits being made during those nights.

Q. I did not limit it to those two nights.—A. How could I know what was deposited there during the day, when I was not on watch?

Q. I do not know how you know anything about it. I am asking what you do know.—A. That is all right. I have tried to tell you what I know.

Q. I did ask you if it was not a usual thing, and I understood you to say it was.—A. Yes.

Q. I supposed from that you were speaking from your own knowledge.—A. Yes.

Q. Now, I have asked you to name those who made deposits, and you have named one. I ask you to name or designate some other person who made deposits.—A. Well, I cannot do it.

Q. Then I ask you if all the other persons who made deposits were strangers to you?—A. If I did not know the parties who made deposits, you would know whether they were strangers or acquaintances of mine.

Q. I am not answering questions at all.—A. I do not know how to answer your question, judge. Deposits were made through the day by Mr. Farnham or Mr. McMeekin, whoever was in the office. The money might be in the safe and I not know anything about it. I am willing to answer you any question I can answer you squarely.

Q. How long was Danford there?—A. Mr. Danford was there all during the Senatorial campaign.

Q. Do you know what room he occupied?—A. Indeed, I could not tell you.

Q. Do you know who roomed with him?—A. I do not.

Q. Did not Calvin Hood room with him?—A. I do not know.

Q. How long was James S. Merritt there?—A. He was there, I think, during the whole session.

Q. Do you know which his room was?—A. I could not tell you without referring to the book.

BISHOP W. PERKINS, a witness called by the respondent, sworn and examined.

By Mr. WILLIAMS:

Question. Where do you reside?—Answer. I reside at Oswego, LaBette County, in this State.

Q. What position do you occupy?—A. I am judge of the 11th judicial district of this State.

Q. Is Crawford County in your judicial district?—A. It is.

Q. Are you acquainted with James A. Hossack?—A. Yes, sir; I know him very well.

Q. How long have you known him?—A. I formed his acquaintance first in 1866. I have known him more or less since that time.

Q. Was that before he came to this State or since?—A. He was at that time living in Ottawa, Ill.

Q. Did you ever hear Mr. Hossack say, prior to the assembling of the legislature, who his choice for United States Senator was?—A. I did.

Q. Whom did he say his choice was?—A. He always said to me that Senator Ingalls was his choice.

Q. Was that before the assembling of the legislature?—A. Yes, sir; and prior to the election. Before he came here in January, at the meeting of the legislature, I had opened court in Crawford County, his residence, and saw him there before he came up to meet the legislature, and I had conversations with him there and I had conversations with him here, and in all those conversations he said to me that Senator Ingalls was his choice. He said, however, that in Girard, which is not in his district, but is in one of the representative districts of Crawford County, the politicians were in favor of Governor Anthony. He said that they claimed that Governor Anthony had been down there two or three times, and had helped them along with their political organization; had helped them in their canvass in that county, and that they thought they were under some obligations to Governor Anthony, and that Senator Ingalls had never been down there for that purpose; had promised to go once or twice and disappointed them; and for that reason they did not care to assist him, and wanted him (Hossack) to vote for Governor Anthony. Said he, "I may have to do it once to accommodate them, although they are not in my district, and I do not know that I am under any obligations to them; but if I vote my own feelings I shall vote for Senator Ingalls."

Q. Did you understand from any of the delegates to the convention which nominated him, or from members of the caucus, or whatever it was that nominated him, for whom he was expected to vote for United States Senator?—A. I have been told by the Baker Township delegation, at least by some of them, by Dr. James, who was chairman of the Baker Township delegation, which is one of the townships composing the representative district, that at the time of his nomination they took him into the hotel and said to him they would not support him in the convention unless he would pledge himself to vote for Senator Ingalls for re-election, and that he then obligated himself to vote for Senator Ingalls, in the event of his nomination and election as representative from that district. I have been told by gentlemen that I believe to be entirely truthful and reliable. Of course, I did not hear it myself.

Q. You yourself were friendly to Senator Ingalls, I believe?—A. I was.

Q. Were you present during the Senatorial contest at Topeka?—A. I was here part of the time.

Q. During that time was Mr. Hossack recognized as an Ingalls man, mixing with them—with his friends?—A. Of course I recognized him as such all the time, and think that Senator Ingalls' friends recognized him as one of the supporters of Senator Ingalls at all times, although I know there were some who were adverse to Senator Ingalls that were very generally in Mr. Hossack's company. Mr. Playter, Mr. Brown, and others seemed to make an effort to keep charge of him more especially, but I looked upon him all the time, and he told me all the time, that he was personally for Senator Ingalls, although he might vote for Governor Anthony once to please his Girard friends. I suggested to

him in one of the conversations that I thought it was not more than right he should do that—give Governor Anthony one vote.

Q. You said, I believe, that you knew him in Ottawa, long before he came here?—A. I did.

Q. Did you know his family?—A. Yes.

Q. What was his reputation there as a citizen generally?—A. He was quite a young boy when I knew him there, and at that time he stood well. His people are very honorable people, and one of the most respected families in Ottawa, Ill.

Q. During the Senatorial election did you loan Mr. Hossack any money?—A. I did.

Q. State how much, and the circumstances under which you made the loan.—A. I loaned him \$100. I cannot give the day of the month when he spoke to me about it, but I can give the day of the month when I gave to him the money, and it was only two or three days before that that he mentioned the matter to me. At that time I had a room in the Tefft House, No. 87, probably, but I am not certain that that was the number. I know that I had a room in the Tefft House, and during the time that I was here I was settling for some parties quite a protracted and tedious lawsuit that had been tried in my court, and the counsel representing the two sides met here at Topeka with me for the purpose of settling the case that it might be filed in the supreme court. I was in my room considerably during the three or four days I was here. I settled that case in the mean time, and I remember one day while I was sitting in my room, Mr. Hossack came in, and I invited him to sit down, and he sat down. We finally turned our conversation to the Senatorial election, and discussed that. He said to me then, as he had said at other times, what I have substantially stated. Before leaving the room he wanted to know if I could not favor him with a little money. I told him I did not know, and asked him how much he wanted. He said he would like to borrow \$100 until he could draw his pay, and I said to him that I had not got that amount of money with me, but at the end of the month—and this was two or three days before the end of the month—I would get my month's salary as judge, "and I can let you have it then if it will be any accommodation to you." He said it would be a great accommodation to him. I told him I would accommodate him at that time. On the 31st day of the month, which I believe was the same day when the Senatorial contest culminated in the election of Senator Ingalls, I drew my pay from the treasurer of the State, and gave to Hossack \$100.

Q. Do you know Frank Playter?—A. Very well.

Q. Do you recollect taking him to Senator Ingalls' room during this contest?—A. I do.

Q. Be kind enough to state the circumstances under which you did that and what occurred?—A. On the morning of the election, Friday morning, I met Mr. Playter in the hall up stairs adjoining the rooms occupied by Senator Ingalls. Up to that time I had recognized Mr. Playter as an Anthony man, and knowing that Mr. Anthony was then out of the canvass, as the opposition to Senator Ingalls had concentrated upon Judge Horton, I said to Mr. Playter, "Now that Governor Anthony is out of the way, can't you turn in and assist us in the election of Senator Ingalls, and can't you see Majors and see what you can do with him?" He replied to that, "I don't care a damn how it goes," and I saw from his expression that he entertained a little feeling, and I invited him into the parlor. We were standing near the parlor, and I said to him, "Step in here." We sat down on a sofa, and I said, "What

"do you mean?" "Well," said he, "I don't think I have been treated right here. I came up here an Ingalls man, intending to do what I could for the election of Senator Ingalls, but I do not think that Senator Ingalls and his friends or Mr. Ping have treated me right. I would go into Senator Ingalls' room and they would treat me discourteously and almost uncivilly. They acted as if they thought I was a spy on their movements, and would scarcely have anything to say to me. I have not been treated right, I think, and I don't care a damn how it goes." Said I, "Mr. Playter, I do not think you have any cause to feel that way. There has not been any disposition, I know, by Mr. Ingalls's friends to treat you discourteously. We have all looked on you as an Anthony man, and we gave you credit for being a person of decision of character; and when you had made up your mind to favor Governor Anthony we did not suppose there was any propriety in talking to you about the election of Senator Ingalls, and for that reason have never said anything to you about it, taking it for granted you were an Anthony man. It has not been because we desired to treat you discourteously, or anything of the kind." "Well," said he, "I was not an Anthony man. I wanted to do what I could for the election of Senator Ingalls, and came up here for that purpose; but I do not think Ping has treated me right and I do not think Senator Ingalls's friends have treated me right. Now, I don't care a damn how it goes." Said I, "I don't want you to feel that way, and I wish you would go into Senator Ingalls's with me, and I will introduce you to him; and I know that Senator Ingalls has not manifested any desire or disposition to treat you in the manner you think you have been treated." He said, "All right," and we got up and went in together, and I introduced him to Senator Ingalls. At the introduction, I said to Senator Ingalls, "This is Mr. Playter, of Girard. He is a man of some influence down there, and he thinks that you and your friends have been treating him uncivilly or discourteously here, and I want you to disabuse his mind of that impression," and withdrew. Senator Ingalls invited him to sit down. I never told him that Senator Ingalls desired to see him. Senator Ingalls and I had never mentioned Mr. Playter's name. I had never heard Senator Ingalls talk of Mr. Playter, and I know I had never mentioned his name in Senator Ingalls's presence up to that time. I took him in there just under the circumstances I have stated.

Q. Do you know Mr. Hawley, who was up here about that time?—A. Yes, sir.

Q. Did you have any conversation with him in regard to what Mr. Playter claimed to be up here for?—A. I do not know whether Mr. Hawley and Mr. Playter had ever had any conversation on the subject. Of course I have my own conjectures and opinions. The morning of the election—Friday morning—Colonel Hawley came to me and said to me that Mr. Playter was indebted to Mr. Curtis, the county treasurer of that county; that Mr. Curtis was needing the money for the purpose of making his settlement with the State treasurer. Mr. Curtis had been up for that purpose. Mr. Curtis is treasurer of Crawford County, and had been up for the purpose of making his settlement with the State treasurer. Colonel Hawley said that Mr. Playter was owing him \$3,000, if I remember the amount correctly, and Mr. Playter was to pay it into the State treasury and have it placed to the credit of Mr. Curtis, the county treasurer. He said that old Mr. Ping was owing Mr. Playter, and that he had it secured by a note and mortgage on Mr. Ping's place, and he said, "I think the security is good; I think the property worth full as much as my property, and I sold my property to Colonel Brown

for \$4,000, and for that reason I think the security perfectly good. Mr. Playter would like to negotiate that note and mortgage here to some of these Senatorial candidates, or to some of their friends." Said he, "I do not know that there would be anything improper in it; I think the security is good; and if any of these Senatorial candidates would negotiate that note and mortgage for Mr. Playter, and give him the money, and extend the time to Mr. Ping, Mr. Playter would be accommodated, and could make the settlement that the county treasurer is owing to the State treasurer, and in the course of time the person negotiating for the note and mortgage will get his money: everybody in that way would be accommodated, and I do not know that there would be any impropriety in it." I replied to him, "I do not know that there would be either, but I would not make any such suggestion to any Senatorial candidate." That was substantially all that was said upon the subject.

Cross-examined by Mr. WEBB:

Q. Judge Perkins, do you know personally Senator P. I. B. Ping, senator from Crawford County?—A. Yes, sir; very well.

Q. You know his father, Thomas Ping?—A. Yes.

Q. Do you know that Senator P. I. B. Ping was here an Ingalls man during last winter?—A. I do.

Q. You have mentioned that note and mortgage which Mr. Hawley told you that Frank Playter owned and had here?—A. Yes, sir.

Q. And told what Mr. Hawley said to you was the use which Playter desired to put that note and mortgage to?—A. I have repeated the conversation substantially.

Q. I only want to identify it. Now I ask you if an action to foreclose that mortgage has not been brought and prosecuted to final judgment in your court—the district court of Crawford County?—A. I suppose it has. I think it is the same note and mortgage.

Q. I ask if that mortgage, to your personal knowledge, is not on the homestead occupied by Thomas Ping, about sixty acres of land just out of the city of Girard?—A. I never examined the description of the property, but my understanding is that it is upon that, and that is what I understood from Colonel Hawley. He said the property was as valuable as his own, and he had sold his for \$4,000. I understood it to be the property adjoining that of Colonel Hawley. That is where Judge Ping resides with his family.

Q. Thomas Ping?—A. Yes, sir. He was probate judge down there.

Q. Have you ever been to Judge Ping's residence?—A. I have.

Q. I ask you, speaking from your personal knowledge of valuations in that locality, if that property was not worth last fall and last winter, and this last spring, and is not now worth more than \$3,000 in cash?—A. I do not think the land could be bought and the property put in its present condition for \$3,000. But I do not think at a forced sheriff's sale, under a decree of foreclosure of the mortgage, the property would bring \$3,000.

Q. You say Colonel Hawley told you he regarded it as worth \$4,000?—A. He said he thought it was fully as valuable as his own, and he had sold his to Colonel Brown for \$4,000.

Q. Do you know who built the house occupied by Ping?—A. It is my understanding that George Richey built it or had it built.

Q. Do you not understand that Mr. Richey paid \$4,000 for the house alone?—A. I do not think the land could be bought and the property put there for \$3,000, although the prices of materials were much higher then than now, when that property was built.

Q. How long have you been acquainted with Mr. Playter?—A. I think I got acquainted with Mr. Playter first in 1870.

Q. Was he not then, as yourself at that time, a practicing attorney?—A. He was.

Q. Both practiced at the bar in the same courts?—A. Yes, sir.

Q. After that he went into the banking business?—A. Yes, sir. I am not certain but what he had a little bank then. He was devoting himself to the practice of the law as well as to the banking business at that time. I think he opened a bank in a small way in Girard, in 1870.

Q. Was not Mr. Frank Playter's financial condition understood to be and regarded as good, perfectly solvent, last winter?—A. I do not think I could say that it was at that time. I think in the panic he closed up and then reopened, and then last year sometime, I think, temporarily suspended, and made some arrangement so that he proceeded again; but up to that time, I think he had been, and recognized as entirely solvent and responsible, and I do not think that anybody lacked confidence in him then. I have not heard much said on the subject.

Q. Had you ever heard that any of his paper was sold at a discount; that he was not able to pay his debts down to this time?—A. O, yes, sir; I have heard it said since; within the last year I have heard that said. I know the bank compromised with its stockholders not long ago at fifty cents on the dollar.

Q. How as to the creditors?—A. The stockholders came to their relief and paid the creditors in full, because they were responsible, and then sold their stock at fifty cents on the dollar.

Q. Did not Frank Playter buy the stock?—A. He made arrangements with Moffatt and Sergeant, of Joplin, Missouri, to come in and buy stock and open the bank, and they are running the bank now.

Q. Does not Frank Playter run that bank and own it now?—A. I cannot tell you what the private understanding is between Moffatt and Sergeant and Mr. Playter. It is not carried on in Mr. Playter's name, and he is not known as a partner or proprietor in the business, as I understand.

Q. We will begin back where you commenced; you say you became acquainted with Hossack in 1866?—A. Yes, sir.

Q. What was his age at that time?—A. I should think about nineteen or twenty years old.

Q. In what year did you come to Kansas?—A. 1869.

Q. And you have resided in Kansas ever since?—A. Ever since.

Q. Do you know when Hossack came to Kansas?—A. I think Hossack came to Kansas in 1876.

Q. That is your opinion?—A. I am not certain about it, but that is my recollection of it. I know I did not meet him here in Kansas until 1876, and it was my understanding that he had not been here long then, but he may have been here a year or two before that. I think it was in 1876 I met him first in Kansas. It may have been 1877. I would not say positively.

Q. Did you live in the same town where he and his father lived?—A. Yes, sir.

Q. From 1866 to 1869?—A. Not all of the time.

Q. How much of the time?—A. About two years of the time.

Q. Had you seen Mr. Hossack between the time you left Illinois and the time you met him in Crawford County here?—A. Two or three times. I had been at Ottawa in the mean time, and, perhaps, I met him each time I was there, but I am not certain that I did each time.

Q. I do not care to ask you at all concerning what you say he said to

you about his choice for Senator; we will pass all that just now. You said that he came to your room in the Tefft House, and after talking about some other matters asked a loan of \$100?—A. Yes, sir.

Q. Did he tell you what he wanted that money for?—A. He did not, and I did not ask him.

Q. Did he offer you his note for it?—A. He did.

Q. Did you take his note for it?—A. I did not.

Q. Has he ever paid it?—A. He has not.

Q. Or any part of it?—A. No part of it.

Q. You say you told him you did not have the money then?—A. That I told him.

Q. But that your salary as judge would be due and you could pay him at the end of the month?—A. Yes, sir.

Q. Friday, the 31st of January, was the last of the month?—A. Yes, sir.

Q. That was the day on which the final vote for United States Senator was taken?—A. It was.

Q. You drew your salary that day?—A. Yes, sir.

Q. For the month of January?—A. Yes, sir.

Q. Did you draw it before or after the sitting of the joint convention?—A. I drew it before; on my way up to the house I stepped into the treasury and then went up.

Q. When did you give the \$100 to Hossack?—A. Some time that day, but I cannot tell just exactly at what time.

Q. The point is, whether it was before or after the sitting of the joint convention?—A. It was not until after. I remember that because I know I did not see him from the time I had the money until after the adjournment of the joint convention.

Q. Notwithstanding the clearness and the unmistakable character of your testimony, I ask you whether you let him have that money on Tuesday or Wednesday preceding the 31st of January?—A. I know I did not.

Q. Did you let him have any other money than the \$100 that you have mentioned?—A. Never a cent.

Q. Notwithstanding the clearness with which you have testified, I am going to ask you who is postmaster at Oswego?—A. L. S. Crum.

Q. Was he here during that Senatorial canvass at all?—A. He was.

Q. Did you get any portion of that \$100 from L. S. Crum?—A. No.

Q. Do you not know that he claims that you were a little short and he let you have \$35 to make up the hundred?—A. I do not know what he claims, but it is not true if he claims it. I am not responsible for what he claims. I am satisfied he would not swear to anything of the kind.

Q. Has Mr. Crum ever paid you back any portion of the \$100?—A. He has had nothing to do with it. He has never paid a dollar.

Q. Has Senator Ingalls paid it back to you?—A. Never.

Q. Has James S. Merritt?—A. Never.

Q. Has Joseph C. Wilson?—A. Never.

Q. Is it not a fact that the assessment of \$100 was made on Crum, postmaster down there, as his share of the Ingalls assessment, and that that money finally came to your pocket, and has thus been repaid?—A. Never, that I have heard of. I never heard of an assessment being made.

Q. Then you are still short \$100?—A. Still short. Mr. Hossack said he would pay me when he got his pay, and at that time I had confidence in Mr. Hossack. I had known him quite long; we had been boys there

together almost, and I had confidence in him, and I let him have the money without questioning him very closely as to what he wanted it for, or as to just the exact time when he would pay it back ; but he said he would pay it when he got his pay. After that Saturday, the Saturday following the election, I went home and did not return to Topeka again during the sitting of the legislature, and never saw him from that time until after the legislature had adjourned, and I was again at Girard holding court. I mentioned the matter to him then, and he said he was not prepared to pay. I have written to him once about it since and never got any reply. That is the sum total of our correspondence or conversation on that subject.

Q. (By the CHAIRMAN.) And the money is gone ?—A. The money, I suppose, is spent.

Q. (By Mr. WEBB.) You knew that there was an investigation ordered by the house of representatives of the legislature of this State into the election of Senator Ingalls ?—A. I understood that there was.

Q. You understood that Mr. Hossack was called before that committee of investigation and gave testimony ?—A. I did.

Q. At any time while that committee was holding its session or before it had adjourned and made its final report, did you send any telegram to Mr. Hossack ?—A. I did not, personally.

Q. Do you know who did send a telegram in your name ?—A. I do ; that is, I have been told, so that I have every reason to believe I know—L. S. Crum.

Q. Postmaster at Girard ?—A. Yes, sir.

Q. I call your attention to what purports to be a telegram from yourself, appearing in the report of the investigating committee at page 62, and ask you to read it aloud, if you will.—A.

GIRARD, KANSAS, *March 6th*, 1879.

Hon. J. A. HOSSACK :

Your statement in regard to me loaning one hundred dollars on January 28th, 1879, is true.

B. W. PERKINS.

Q. Did you send that dispatch ?—A. I did not.

Q. Did you authorize it to be sent ?—A. I did not, and did not know of it until I reached home. I was away from home at the time, probably at Girard or Columbus, I have forgotten which, and upon my return home Mr. Crum showed me the dispatch that came from Mr. Hossack to me, and showed me a copy, I suppose, of this—what he said he kept as a copy ; and that was the first information I had on the subject. Before that time, in speaking when this investigation was ordered, in conversation with Mr. Crum, I had told him of loaning Mr. Hossack \$100, and for that reason Mr. Crum knew of it.

Q. Was it the duty of Mr. Crum to open telegrams addressed to you for political purposes and answer them ?—A. My duties kept me from home about three-fourths of the year, and almost my entire business transactions are attended to by Mr. Crum in my absence. Mr. Crum did open this dispatch from the sergeant-at-arms, and I never knew anything about it until I met him and he informed me of it. That was how I came to know I was wanted here. We are very intimate friends, and my business I trust almost entirely to him in my absence.

Q. What is the day of the week fixed by law for convening the district court in the county of Crawford ?—A. The first Tuesday in January. It is not the same day in other months ; in January it is the first Tuesday.

Q. You opened court on that day?—A. Yes, sir.

Q. How long did you hold court before you adjourned it and came to Topeka?—A. I guess one week, simply the rest of that week, and came up here and was here at the inauguration and at the opening of the legislature, and the meeting of the district judges of the State. We had a meeting that week, and I was here that week. If I remember the dates correctly, I went home from Girard Saturday night of the first week in January, staid that night, and came up here on Sunday.

Q. Did you not adjourn your court for the purpose of coming here to Topeka?—A. I did.

Q. You came up here in part to assist Senator Ingalls in his canvass?—A. No, sir; not at that time. Senator Ingalls was not here at that time. I did not come for any such purpose at that time. I came at that time to be here at the inauguration of the State officers and at the meeting of the judges of the State.

Q. You did stay here?—A. No, sir; I did not stay here. I went back and held court a week. I went back on Thursday of that week and remained until the 27th day of January, and then I came back again, if I remember the dates correctly, and was here again until after the Senatorial election.

Q. The 27th was Monday?—A. Yes, sir. I got here on Monday noon, having left home Sunday night.

Q. Was not your coming here on that occasion solely to interest yourself and give your influence in the re-election of Senator Ingalls?—A. It was. I came here for no other purpose at that time?

Q. You say that you talked with Hossack at different times after your arrival here, in which conversations you heard him express his opinion on sundry occasions, and you say he told you that his choice was Ingalls. What did he say about being pledged to vote for Anthony?—A. He said that the politicians in Girard wanted him to vote for Anthony. He told me that they said to him "Governor Anthony has been down here and has made speeches for us two or three times and assisted us in our party work here in the county and in our organization, and we are under obligations to him; but Senator Ingalls has never been down here, and has disappointed us once or twice"; and for that reason, he said, they told him, "We think you ought to work for and vote for Governor Anthony," and they wanted him to do so; but he said that Girard was not in his district and did not know that he was under any obligations to them.

Q. Did he tell you what parties wanted him to vote for Anthony?—A. He told me some of them. He said Mr. Johnson, the county clerk, Waper and Riddle, the editors of the Press, and Judge Smith, the probate judge; I think, perhaps, he named Curtis, the county treasurer, and I am not certain but that he did, and a man by the name of Barker, a hardware merchant down there, and I guess he named Colonel Hawley, the postmaster. He named the prominent Republicans that lived in Girard.

Q. Did he name Frank Playter?—A. I do not know that he did, but I am not certain.

Q. Did he name E. H. Brown?—A. I am not certain that he named either of those gentlemen in the conversation I am speaking of; I do not think that he did. I do not recollect that he did, at any rate. I am willing to say that I took that much interest in the election of Senator Ingalls that I paid my own bills, and my bills were not included in that which Mr. Merritt, I believe, says he paid.

LEONARD BRADBURY, a witness called by the respondent, sworn and examined.

By Mr. EVEREST :

Question. Where do you reside ?—Answer. In Miami County, near Paola—five miles south of it.

Q. Were you a member of the legislature of Kansas last winter ?—A. Yes, sir.

Q. Of which house ?—A. The senate.

Q. From what county ?—A. Miami County.

Q. Do you know one F. M. Shaw ?—A. I do.

Q. Have you read the testimony taken before the investigating committee of the legislature last winter ?—A. I did read it in the time of it.

Q. Did you notice that one F. M. Shaw had given testimony therein ?—A. Yes.

Q. Is that the F. M. Shaw that you say you know ?—A. That is the man.

Q. Did F. M. Shaw ever at any time inform you that he had obtained any paper from James A. Hossack to the effect that Senator Ingalls had offered money for his vote ?—A. In answering that question, I cannot say that Mr. Shaw said that he had obtained the paper, but that he had the possession of a copy of, such a paper ; and he showed me that copy.

Q. When and where was that ?—A. That was at my boarding-house in this city.

Q. About when ?—A. Mr. Shaw was at my boarding-house at two different times. He came in there on the Friday morning of the election, the 31st of January (I think I have heard you say, and I suppose it was the 31st of January, but I do not recollect the date). He came in there that Friday morning, and had some conversation with one of the members of the house that was boarding there and rooming with me. I do not think he said much, if anything, to me about the case at that time, but he very well knew how I would vote, and the other man he did not know as well about. At another time he came in there, and I had some conversation with him. That was when he was here testifying before the legislative committee, and that was several weeks afterwards, or several days afterwards, at least ; I could not tell exactly. This second interview, I think, was the time he showed me a copy of that paper. I am not positive it is so, but from the circumstances I think it must be so. That is my impression.

Q. Did he ever at any time before the election of Senator show you any paper, or copy of any paper, purporting to be signed by James A. Hossack, wherein Mr. Hossack had stated that Senator Ingalls had offered him (Hossack) money for his vote ?—A. I have already gone over that ground. I say my impression is that I did not see a paper until afterwards.

Q. For whom did you vote ?—A. I voted for Albert H. Horton. Mr. Shaw well knew whom I would vote for that morning.

Q. You did not vote for Mr. Ingalls at all ?—A. I did not vote for Mr. Ingalls at all.

Cross-examined by Mr. WEBB :

Q. Shaw resided in your county, and he came to your boarding-house here in this city twice, you say ?—A. Yes, sir ; that is what I have said.

Q. You do not remember his being at your boarding-house only on

those two occasions?—A. Well, I would not say he was not there more times.

Q. You do not remember, then?—A. I only distinctly remember those two times; and there were reasons why I should remember both of those.

Q. One of those occasions, you say, was the morning of the 31st of January?—A. Yes, sir.

Q. He said but very little to you, but did say considerable to a member of the house. Who was that member?—A. That member was Henderson Rice.

Q. Do you know what conversation took place between him and Mr. Rice that morning?—A. I do not know all the conversation; indeed I hardly know any of it. Let me explain a little. I suppose it is not perhaps in order to let me explain a little, but Mr. Rice was very unwell, and it was doubtful whether he would be able to go out. I had been down the street this way toward the Tefft House, and there was such a jam there I did not stop long; I went back to my boarding place, and was conferring with Mr. Rice whether it would be safe for him to go out to the election, even if he could have a carriage. He thought it would, and was desirous to go, and I was making preparations to go out and see about getting a carriage when Mr. Shaw came in. He came in with the avowed purpose, as he had understood that Mr. Rice was going to vote for Senator Ingalls. I heard so much of the conversation that I learned that was his business, that he came in there for the purpose of convincing Mr. Rice that he had better vote for Albert H. Horton.

Q. And that was about all the conversation you did hear?—A. That was about all the conversation I did hear, for I immediately went out and left him with Mr. Rice.

Q. Then the fact is, according to your best recollection and judgment, that you did not hear of the existence of the paper until after the investigation had been ordered and the committee was taking testimony?—A. That is my impression, and I think I must be right about it from all the circumstances.

Q. You know that Mr. Shaw was here several days before that 31st of January?—A. Certainly.

Q. And you understood him to be actively opposed to Senator Ingalls's re-election?—A. I did.

Q. You yourself were not friendly to Senator Ingalls's re-election?—A. I would not like to answer that question in the affirmative exactly. I was rather friendly to Senator Ingalls, but—

Q. I did not say "Senator Ingalls," I said "Senator Ingalls's re-election."—A. Senator Ingalls's re-election. Let us put that correction in. I was rather in favor of that after a certain other individual that I came here for the purpose of getting elected was dropped out of the canvass, but it did not seem to leave any place in the bucket to get anybody else in; that was the difficulty.

Q. Now, I ask you to state whether your feelings toward Senator Ingalls in a certain event or contingency were made known by you to Mr. Shaw at any time?—A. I am fully confident that Mr. Shaw did know at that time that I would not cast my vote on that Friday for Senator Ingalls.

Q. But I have reference now to several days before that. Did you at any time say to Mr. Shaw in substance or to the effect that in certain contingencies you would be glad to see Senator Ingalls re-elected; did he understand that much?—A. I had said that some time previous; I do not know whether I had that week. I cannot say positively that I had said that to Shaw that week.

Q. I do not care whether it was said that week or not; all I want is the fact. Your attention has been directed to the existence of a paper and the conversations concerning a paper. I ask you if you have seen any of the testimony in the printed book containing the report of the legislative investigation. You know what I mean by the Hossack paper?—A. Yes.

Q. You know the contents of that paper?—A. I do not know that I could repeat them, but I know the substance.

Q. Now, I ask you if, before the 31st day of January, Mr. Shaw did not tell you that he had understood, that he had heard, or was informed, that Mr. Ingalls had tried to buy Mr. Hossack's vote?—A. Well, sir, I hardly think that is so; but all of us who were here at that time know very well that there was a great deal of talk during that week, and it would be pretty hard for me to disclose or to remember what this, that, and the other man had said about it, or what even I had said myself. Sometimes I may have said things that I did not remember long. But I do know this much, that there was a rumor going—but whether I got it from Mr. Shaw or somebody else I cannot say—that there were large amounts of money being used, but that Mr. Hossack was particularized up to that time I cannot distinctly remember, and I hardly think that he had been. I hardly think that the name of Hossack had ever been given to me up to this time, not until after the close of the election.

Q. Was it not general talk, as you understood it then, that money was being used to corrupt the members of the legislature to procure their votes?—A. Certainly it was.

Q. General talk?—A. It was talk by many people. I do not know that I can go so far as to say it was general.

Q. Is it a possible, a very likely, or a probable event, that in that discussion Mr. Shaw might have mentioned to you that Mr. Ingalls had tried to buy the vote of Mr. Hossack, and you not now remember it?—A. So far as this paper goes—

Q. I want you to distinguish between the paper and the fact. I am simply inquiring as to the fact independently of the paper. Might it not be that Mr. Shaw had, previous to the 31st of January, said to you, in effect or substance, that Senator Ingalls or his friends had tried to buy Mr. Hossack's vote and you not now remember it?—A. I hardly think that he did personify anybody in that way. I do not think that kind of talk passed between Shaw and myself. I am quite sure that it was so; that is to say, that he had given me to understand that money was flowing very freely; but I do not think he personified any one individual that was receiving the money. He named individuals that were handling it and paying it out, I think, perhaps.

Q. Whom did he name?—A. I think he named Mr. Merritt as one of the gentlemen that were handling considerable money.

Q. Who else?—A. A gentleman that I was not acquainted with. I am not trying to hide behind anything. I will state the facts as I remember them. I think a Danford was named, and perhaps several other parties that I do not now recollect.

Q. You remember those two names, Merritt and Danford?—A. I remember those two names as being connected with the Ingalls canvass, and that they were handling money freely.

Q. Carrying on the commercial part of that transaction?—A. Yes; carrying on the commercial part of that transaction. I never got any nearer to it than that. I was not engaged in that kind of commerce at that time.

Re-examined by Mr. EVEREST:

Q. You knew nothing about the fact of any such thing?—A. I did not.

Q. Who told you this?—A. Shaw.

Q. Shaw was opposed to Ingalls?—A. He was at this time. There had been a time when he was not.

Q. He was opposed to Ingalls at the time of his election?—A. Yes; he was opposed to him at that time, but not at the time of my election. Then he was not opposed to him.

Q. He got mad at him afterwards?—A. Well, I do not know that he ever got mad. That I do not know anything about.

The committee adjourned until to-morrow, at half past 9 o'clock a. m.

WEDNESDAY, *October 1, 1879.*

The committee met pursuant to adjournment, all the members being present, and also the counsel for the memorialists and the respondent with his counsel.

The CHAIRMAN. I understand this morning from counsel for the memorialists that they do not intend to enter into any inquiry in reference to the charge contained in the memorial known as the grand jury charge. Am I correct in that?

Mr. RIGGS. I will state that, in connection with one of the counsel for the respondent in the case, we have consulted with the chairman, and learning that that is a matter of which the Senate would not probably take cognizance, we have concluded to offer no proof on that subject.

The CHAIRMAN. Then the witnesses called on that matter may be discharged.

Mr. RIGGS. Charles H. Miller has been summoned on that single charge.

The CHAIRMAN. My brethren of the committee were not present when I made the statement to which Mr. Riggs has referred. There is a charge contained in the memorial relating to the summoning of a grand jury in 1876, and I said to Mr. Fenlon, of counsel for the respondent, and Mr. Riggs, of counsel for the memorialists, that that referred to a matter anterior to the election of Senator Ingalls to the Senate, and could not by possibility affect the question of the regularity of his election. In my judgment, even if that allegation were proved beyond the shadow of a doubt, it could not affect in any way the validity of the election of Senator Ingalls to the Senate, and therefore inquiry into that subject, in my opinion, would be unnecessary and improper. In my judgment, neither the Senate nor the committee can inquire into questions of that kind. I made that statement to the counsel on my own responsibility, and I should now like to know if it meets the concurrence of my brethren of the committee?

Senator BAILEY. That is my opinion, sir. Unless the counsel for the respondent should desire to go into the matter, I do not think it is proper for us to take cognizance of it at all.

Senators Vance, Cameron, and Logan signified their acquiescence in Senator Bailey's statement.

Mr. EVEREST. Mr. Chairman and gentlemen of the committee, we are unanimously of the opinion, as lawyers, that that is not a proper subject of inquiry before this committee; we believe it could not in any

manner affect the seat of Senator Ingalls in the Senate ; but we are instructed by him to interpose no objection if the gentlemen of this committee think it is a proper subject of inquiry. We do not raise any objection ; we do not shield ourselves behind any question, technical or otherwise. The memorialists are at liberty to do as they see fit on the subject. We make no demand and interpose no objection.

The CHAIRMAN. Inquiry into that subject will not be gone into by the committee, and we understand that view meets the concurrence of the counsel for the memorialists. The witnesses called upon that point may be discharged.

HENRY B. RODGERS, a witness called by the memorialists, sworn and examined.

By Mr. WEBB :

Question. You reside in the county of Douglas, and near the city of Lawrence, do you not ?—Answer. Yes, sir.

Q. How long have you resided in Douglas County ?—A. Eight years last March.

Q. Were you in Topeka at any time last winter ?—A. Yes, sir ; I was, two or three times.

Q. Were you here during what is known and spoken of as the Senatorial contest ?—A. Part of the time.

Q. What portion of the time ; how much of the time ?—A. I was here the week before the election and the week of the election.

Q. You were here, then, about two weeks ?—A. Not all the time during the two weeks, but part of the time.

Q. Were you here taking any part in the Senatorial election ?—A. Not specially. I just came up to look on.

Q. Had you any choice among the several candidates for the office of Senator ?—A. Not particularly. I had a choice the same as others would have. I had a preference.

Q. What was your preference ?—A. I had a choice in one sense of the word, I might say.

Q. Tell us who your choice was ?—A. As far as I was concerned, I was in favor of Pomeroy.

Q. Had you not a second choice in that election ?—A. Well, I do not know but I might have had.

Q. I am asking you whether you did have or not ?—A. Yes, sir ; I probably had.

Q. What was your second choice ?—A. Probably my second choice would have been Mr. Ingalls.

Q. Is it not a fact that you were here contributing, as far as you could, towards the election of Mr. Ingalls as Senator ?—A. No, sir ; I was not here with that purpose.

Q. Did you have any business here ? I do not ask what it was, but ask for the fact. Did you have any private or personal business of your own here ?—A. Nothing more than to just look on and see how things were running.

Q. You came from your residence in Douglas County up here and staid a good-sure of two weeks merely to look on, without having any interest in it or caring about the result ?—A. Yes, sir ; I have attended every Senatorial election for the last six or eight years.

Q. You say you have been at every Senatorial election for six or eight years ?—A. Yes, sir ; I have been here at every Senatorial election, and when there was not any, whenever the legislature has met.

Q. Were you a member of the legislature last winter ?—A. No, sir.

Q. Was there a member of the legislature from your county by the name of Richards ?—A. Yes, sir.

Q. Give me his first name ?—A. Oscar.

Q. Were you personally acquainted with him last winter ?—A. Yes, sir ; I have been for a number of years.

Q. State whether at any time last winter you had any conversation with Mr. Richards, a member of the legislature from your county, with respect to his vote and any compensation or money to be paid for it ?—A. Not directly. I had a conversation, just talking one evening going up from a restaurant to the Tefft House. It commenced about York. I said to him, "Mr. Richards, if you could get six or seven or eight thousand dollars, as Mr. York did, you would be fixed." He made the remark, "Yes, I would be fixed if I could get one thousand."

Q. Go on.—A. We went up the street to the Tefft House and went into the hall ; Hollowell and two or three others stood there ; I spoke right up and said, "Hollowell, Richards says he would be fixed if he could get a thousand dollars." He made the remark, or some one did ; I think it was he who made the remark, that he would have to go to Pomeroy if he got that. That was the conversation.

Q. What else ?—A. That was all the conversation there was there ; all I had about it ; all the conversation I ever had about it.

Q. When did you come here as a witness in this case ?—A. Yesterday.

Q. What time yesterday ?—A. I came up on the noon train.

Q. Did you see Mr. Riggs last evening ?—A. I saw him here yesterday.

Q. State whether he inquired of you if you knew anything about this alleged corruption ?—A. Yes, sir ; he did.

Q. Did you tell him what you have now testified to at that time ?—A. No, sir ; I did not.

Q. Did you not tell him at that time that you did not know anything at all about it ?—A. I told him that I would tell just what I did know. That is just what I told him.

Q. He asked you to tell him, and you would not tell him at that time ?—A. I told him I would tell him last night, but I did not see him last night ; I saw him this morning and told him.

Q. Whom did you see last night ?—A. I saw a good many.

Q. Name those you saw and talked to last night.—A. I was with Mr. McMillen most of the time last evening.

Q. Whom did you see and talk with besides Mr. McMillen ?—A. After my supper I talked with Mr. Babcock, down at the Gordon House, where I stopped, a few minutes on the stoop. I went up to the Tefft House ; Mr. McMillen had gone up ahead of me, and I talked with the senator from our county, Senator Green, and Mr. Rankin a few minutes, and went to the theater, and staid there until it was out, and went home and went to bed. Those were all the persons that I talked with at all, except Mr. McMillen.

Q. Will you tell me whom you talked with this morning before you came to the court-room ?—A. I was with Mr. McMillen all the while except about twenty minutes.

Q. I asked you not whom you were with, but whom you talked to ?—A. I talked to Mr. Riggs.

Q. Who else ?—A. I spoke to a man who is here somewhere ; I cannot tell his name. I spoke to Mr. Ingalls up in the Tefft House, just shook hands with him and spoke to him. There were two or three by. That big man over there, I cannot think of his name, but I guess it is

Legate; yes, I talked with Mr. Legate; Legate and I stopped there talking and Mr. Ingalls came up and I shook hands with him and spoke with him a few moments. Meanwhile Mr. Riggs came along and spoke to me.

Q. Did you talk with Mr. Everest last night or this morning?—A. No, sir.

Q. To John Martin?—A. No, sir.

Q. To Mr. Fenlon?—A. I just passed the compliments of the day with Mr. Fenlon; that is all.

Q. With James S. Merritt?—A. No, sir.

Q. With Joseph C. Wilson?—A. No, sir.

Q. With George R. Peck?—A. I do not know the man; I might have seen him and spoken to him, but I do not know him.

Q. Where were you last Saturday?—A. I was in the Republican convention at Lawrence.

Q. Were you in the city of Lawrence last Saturday?—A. Yes, sir.

Q. Did you see Mr. Sidney Clarke there?—A. Not to my knowledge. I saw him there on Friday.

Q. Do you know Hudson's restaurant in Lawrence?—A. Yes, sir.

Q. Were you in that restaurant with Mr. Sidney Clarke after your convention last Saturday?—A. I was not.

Q. Were you there on Friday with Mr. Clarke?—A. I was in there and took dinner on Friday.

Q. Was it not the same day of and after the Presidential reception?—A. No, sir.

Q. Was it the day before that?—A. Yes, sir; it was.

Q. Did you make any statement to Mr. Clarke at the time you were in Hudson's restaurant with him—whether it was Friday or Saturday—concerning the conversation that you had with Mr. Richards and the conversation that you had with Mr. Hallowell concerning which you have testified this morning?—A. I told him just what I have told you.

Q. Did you have a conversation with him on that subject?—A. Yes, sir; I did.

Q. At that time and place?—A. Yes, sir.

Q. Did you not tell him at that time that Mr. Merritt and Mr. Hallowell asked you to go to Mr. Richards and see whether you could get him to vote for Ingalls?—A. I did not.

Q. Is it not the fact that Mr. Merritt and Mr. Hallowell, or one of them, they being in company, did ask you to go to Mr. Richards and see what he wanted to vote for Ingalls?—A. No, sir; neither one of them did.

Q. Did you not tell Clarke that you did go to Richards and ask him what he wanted and that Richards said he wanted a thousand dollars for his vote?—A. I told him just what I have told you.

Q. Answer my question as I have put it.—A. No, sir; I did not tell him any such thing.

Q. Is it not the fact that you did go to Richards on the authority of Hallowell and Merritt, at their request, and ask him what he wanted for his vote, and that he told you he wanted a thousand dollars?—A. No, sir; the conversation was just as I have stated it.

Q. Is it not the fact that you had a conversation with Richards in which he said he wanted a thousand dollars for his vote, and that you went back to Hallowell and Merritt and reported to them that he wanted a thousand dollars, and that they said they could not and would not pay over \$400?—A. No, sir.

Q. Did you not tell Mr. Clarke that?—A. No, sir; I did not.

Q. Last Friday or Saturday?—A. No, sir. I did not tell him anything of the kind.

Q. Did you not say to Mr. Clarke that Hallowell and Merritt, after saying that they would not pay over \$400, told you to go to Richards and tell him that they were not paying a thousand and would not pay but \$400?—A. No, sir; I did not.

Q. Is it not the fact that you went back to Richards and told him he could obtain \$400 and that he could not get any more?—A. No, sir; I did not tell him so.

Q. Is it not the fact, whether you told Clarke so or not?—A. No, sir; it is not the fact.

Q. Now, in regard to the conversation which you have already testified to, the conversation between yourself and Mr. Richards, after which you went to Hallowell and told him that Richards said he would be fixed if he could get a thousand dollars—just repeat from there on what was said by Hallowell or Merritt or whoever was there.—A. I have told you all that I know in regard to it.

Q. Begin right there; do not go back.—A. There was nothing more said to my knowledge betwixt them.

Q. You told them that he said he would be fixed if he could get a thousand dollars; go right on and state what was said after that.—A. I went away; did not hear them say anything more in regard to it. I walked right along as I talked with them.

Q. You have stated that they said they did not know anybody was paying that amount except Pomeroy?—A. Yes, sir.

Q. That was said, was it not?—A. I testified to it. You asked me to state what was said after.

Q. Tell the story beginning where I placed it: You walked up to Hallowell and said to him, "Richards says he will be fixed if he can get a thousand dollars," did you not do that?—A. Yes, sir; I did not walk up to them; I met them in the hall, and I just spoke right on.

Q. Well, go on.—A. I said that to them. Then they said "if you want that you will have to go to Mr. Pomeroy to get it." I went right on.

Q. Was that all that was said?—A. That was all that was said to my knowledge.

Q. What hall was it?—A. It was in the hall of the Tefft House.

Q. Who was there?—A. I cannot tell you all. I saw Mr. Hallowell and, I believe, Mr. Merritt. The hall was full.

Q. Did not one of these men at that time say immediately that they could not pay over \$400?—A. They did not, to my knowledge. I did not hear it if they did.

Q. Did you not tell Mr. Clarke last Friday or Saturday, in Hudson's restaurant, that Hallowell or Merritt said at that time they would not pay but \$400?—A. No, sir; I did not tell him anything of the kind.

Q. Did you undertake to tell Mr. Riggs this morning before coming into court what your testimony would be?—A. I told him just what I knew.

Q. Did you tell Mr. Riggs just what you have sworn to now as the conversation between yourself and Hallowell and Merritt?—A. As I recollect.

Q. Did you not tell Mr. Riggs this morning that when you went to Hallowell and Merritt and said to them, "Richards says he will be fixed if he can get a thousand dollars," they said "we are not paying as much as that for votes"?—A. No, sir; I did not say so. I told him just as I have stated.

Q. Was not this your expression this morning that they, referring to

Hallowell and Merritt, said to you in reply "we are not paying that for votes, and if he wants that he must go to Pomeroy for it"—A. No, sir.

Q. Did you not say that this morning?—A. No, sir.

Q. Is it not the fact that such was their answer?—A. No, sir.

Q. I do not want you to be offended, but I ask you if you do not sometimes drink intoxicating liquor?—A. I do sometimes, if I want it.

Q. Had you not been drinking intoxicating liquor in Lawrence last Friday before your conversation with Mr. Sidney Clarke?—A. No, sir; I had not drank a drop of liquor of any kind.

Q. Whether it was Friday or Saturday, I ask you if you had not been drinking so as to feel pretty well, as the expression is, when you talked with Mr. Clarke?—A. I had not drank a drop; I was just as sober as I am now, and I think I am sober now.

Mr. WEBB. I think you are.

Mr. FENLON. We do not wish to make any objection, but this examination certainly has gone beyond all legitimate limits.

Mr. RIGGS. The gentlemen of the committee can see that this man is not a willing witness for us.

Mr. FENLON. Oh, we make no objection.

The CHAIRMAN. We have on one or two occasions requested counsel to direct their inquiries to the questions in issue and to examine witnesses as rapidly as possible. We understand readily how counsel, when a witness has not come up to their expectations, may wish to probe him; but when that has been sufficiently done, they ought to cease; they ought not to persist further.

Mr. RIGGS. We have gone about as far as we propose to go with this witness.

Mr. EVEREST. We have no question to ask him.

HOWARD M. HOLDEN, a witness called by the memorialists, sworn and examined.

By Mr. WEBB:

Question. You reside in Kansas City, Missouri, I believe?—Answer. Yes, sir.

Q. You have been engaged in the banking business there for many years?—A. Yes, sir.

Q. Were you in the city of Topeka last winter at any time before the close of the contest for the position of United States Senator before our legislature?—A. I was here one afternoon and evening during that time.

Q. Can you fix the day of the week or the month?—A. I cannot; it was during the heat of the excitement here and one or two days before the election.

Q. Do you remember who were talked of then generally as the principal prominent candidates? Senator Ingalls, of course, was one. Whom else?—A. I think Major Simpson.

Q. I have reference to the time you yourself were here.—A. I recollect that Major Simpson was considered one of the candidates. I do not remember who else. I paid no attention to it myself.

Q. Where did you stop when you came here?—A. At the Palace Hotel, North Topeka, on the other side of the river.

Q. What train did you come in upon?—A. I think on the Kansas-Pacific, the day train, and returned the next morning on the early morning train.

Q. Did you come on this side of the river?—A. Yes, sir; my business was on this side of the river and I was here most of the time.

Q. Were you at the Tefft House while here, at all?—A. Yes, sir; I spent the most of the evening at the Tefft House, as I now recollect, until probably nine o'clock.

Q. In company with what gentlemen there?—A. No particular one, but around among the crowd, having many acquaintances among them.

Q. Was that the only occasion you came up here during the Senatorial contest?—A. The only one.

Q. State whether upon that occasion you brought up a considerable amount of money belonging to yourself or anybody else.—A. No, sir; I did not.

Q. I do not mean such money, such as you have in your pocket to pay your bills, but a large amount, as packages of notes?—A. I do not think I had as much as \$50 with me, or on my person, or under my immediate control at that time.

Q. What do you mean by "immediate control"?—A. Well, in my possession.

Q. Were you not the custodian of a large amount of money?—A. No, sir; I was not.

Q. Did you bring up \$10,000 in money some time during that Senatorial canvass?—A. No, sir; I did not.

Q. Five thousand dollars?—A. No, sir.

Q. Did you bring up any packages at the request of any other person from Kansas City on that occasion?—A. No, sir.

Q. Did you bring up any packages at all?—A. I think I had a package of papers under my arm while I was at the Tefft House. I brought them over with me. They were connected with some business upon which I came here, and I kept them in my hands or under my arm until I returned to my hotel on the other side of the river.

Cross examined by Mr. FENLON:

Q. Are you acquainted with Senator Ingalls?—A. I have been introduced to the Senator.

Q. Did you know him at that time?—A. All the acquaintance that I have ever had the fortune of having with him I had prior to that evening.

Q. Did you have any talk with him about the Senatorial election?—A. I did not meet him at that time, as I now remember.

PERU I. B. PING, a witness called by the respondent, sworn and examined:

By Mr. WILLIAMS:

Question. Where do you reside?—Answer. I reside in Girard, Crawford County, Kansas.

Q. Were you a member of the last State senate of Kansas?—A. I was.

Q. Are you acquainted with Frank Playter and James A. Hossack?—A. I am.

Q. Who was your preference for United States Senator at the time of last fall's election?—A. I was a John J. Ingalls man from the beginning.

Q. You were then a member of the State senate, were you not?—A. Yes, sir.

Q. You have always been a pronounced Ingalls man?—A. I always have been from the time I have known the gentleman.

Q. You came here for the purpose of voting for him?—A. Yes, sir, and never was asked to vote for any person else.

Q. Did you know from James A. Hossack who his preference for United States Senator was prior to the meeting of the legislature?—A. Yes, sir; he told me on frequent occasions that he was for Mr. Ingalls for United States Senator, in my office at Girard.

Q. After he came here did he tell you so?—A. Yes, sir.

Q. Was he recognized amongst the friends of Mr. Ingalls as an Ingalls man?—A. Yes, sir.

Q. Meeting with them?—A. Meeting with them.

Q. And they talking freely in his presence?—A. Yes, sir.

Q. Did you ever communicate the fact of his preference to Senator Ingalls?—A. I did.

Q. When? Before or after the Senatorial canvass commenced?—A. I communicated it after Mr. Hossack was nominated, and before he was elected.

Q. And frequently afterwards?—A. Yes, sir.

Q. At the time of the assembling of the legislature, did you owe Frank Playter any money?—A. I did not. I do not owe any man on the top-side of earth, I think, ten dollars.

Q. Have you ever owed him any money since?—A. I never have.

Q. You knew some one held a note and mortgage executed by your father?—A. Yes, sir; on property bought subject to a mortgage, from Mr. Playter, by my father.

Q. The mortgage, then, was originally on the property?—A. It was originally on the property.

Q. Did you ever agree with Mr. Playter to pay that note and mortgage?—A. I never did.

Q. Did you ever tell Mr. Playter you would ask Senator Ingalls to assist you in paying that note and mortgage?—A. I never did.

Q. Did he ever ask you to procure such assistance?—A. Yes, sir.

Q. When and where?—A. I think it was in the month of December, 1878, prior to my coming up to the legislature, that he asked me to see Mr. Ingalls. That was in front of my office in Girard.

Q. What did he say to you then?—A. He said that he would like for me to see Mr. Ingalls or some of his friends, and see if I could not procure a loan on the property.

Q. What did you tell him?—A. I told him I would not have anything to do with it; I did not like for him to take advantage of my position as senator in the legislature.

Q. Did he ever renew his request?—A. Yes, sir; he renewed his request after he arrived in Topeka.

Q. When was that?—A. I think he arrived in Topeka, perhaps, on the Sabbath before the election which commenced on Tuesday.

Q. Did he at that time?—A. Yes, sir; he asked me if I would not see Mr. Ingalls and before I would vote for him see if I could not secure that loan on the property.

Q. What did you say to that?—A. I told him I would not have anything to do with it at all.

Q. Did he again speak to you on the subject?—A. Yes, sir; he spoke to me some two or three times afterwards.

Q. When was the last time he spoke to you on the subject?—A. It was during one of those days that we were voting for United States Senator; I do not remember the day, but before Mr. Ingalls's election.

Q. Was it on the day of the election? You recollect on what day the election took place, Friday, January 31?—A. Mr. Ingalls was elected on Friday. I do not think, perhaps, he said anything to me on that day.

Q. The day before ?—A. I think he did two or three times before that.

Q. And on each occasion you refused ?—A. I refused.

Q. Did you in fact ever say anything to Senator Ingalls on the subject ?—A. I never did.

Q. Upon all these occasions, I believe you have said, you refused the request ?—A. Yes, sir.

Q. Did the request in every instance come from him ?—A. It did.

Q. Did you ask him to bring this note and mortgage to Topeka ?—A. I never did. I never saw the note and mortgage.

Q. Did you suggest it to him ?—A. I never did.

Q. Did you know he had it here until he told you so ?—A. I never did.

Q. On the last occasion, when he requested you to get Senator Ingalls to take this note and mortgage, and you refused, what, if anything, did he then say by way of threat, or otherwise ?—A. Well, he told me at one time that he had a paper in his pocket—that was before the election—that if Mr. Ingalls did not comply with his request would make him pay three times the amount it would call for.

Q. What request; the request to take up this note and mortgage ?—A. Yes, sir; the request to take up the note and mortgage.

Q. If Mr. Ingalls did not comply with Playter's request to take up the note and mortgage, he would make it cost more than three times what it called for ?—A. Yes, sir; he said that as he was going up the first flight of stairs in the Tefft House.

Q. Do you recollect what time that was ? Fix your memory as closely as you can upon it.—A. I am inclined to think it was perhaps on Thursday preceding the election.

Q. The day before the election ?—A. The day before the election.

Q. What did you say to that ?—A. I told him I would not have anything to do with it, and as he went up stairs, said he, "I will make him pay three times the amount, or make it damned hot for him."

Q. That is, for Ingalls ?—A. Yes, sir.

Q. Were you under any legal obligation to pay or provide for the payment of your father's note and mortgage ?—A. Not at all.

Q. Had you any agreement with your father, or Mr. Playter, or any other man, that you would pay that note and mortgage ?—A. Not at all. My father never spoke to me about it, and I never spoke to Mr. Playter about it.

Q. The only obligation you felt, if any, was simply a filial one ?—A. Simply a filial one, he being my father, and it being his homestead.

Q. Was Mr. Playter financially embarrassed at that time ?—A. He was so considered.

Q. Did he express himself to you as very desirous of obtaining money ?—A. Yes, sir; he did.

Q. For what purpose ?—A. For the purpose of paying Mr. Francis, I believe.

Q. The State treasurer ?—A. Yes, sir.

Q. His bank had suspended once or twice before, had it not ?—A. Yes, sir.

Q. Did you have an interview with Senator Ingalls on this subject on the day of the final ballot and before the election ?—A. Yes, sir.

Q. Where was it ?—A. It was in his rooms at the Tefft House.

Q. State the particulars of that interview to the committee.—A. Well, Mr. Ingalls called me in there and said that Mr. Playter had showed him a paper and demanded money upon that paper. I told him not to have

anything to do with it at all, because it was a fraud. At the suggestion of Mr. Ingalls, I put the request of Mr. Playter hurriedly down upon a piece of paper in pencil, what Mr. Playter demanded and asked of me before I should vote for Mr. Ingalls.

Q. What did Senator Ingalls say?—A. Senator Ingalls said he would not have anything to do with it at all. I think he told me he was "a little red-headed blackmailer."

Q. Who was?—A. Mr. Playter.

Q. Was that the language?—A. That was the language, about.

Q. Did you write down at the request of Senator Ingalls a statement that Mr. Playter had made a demand upon him (Ingalls) to raise a loan, or to furnish him some money?—A. Yes, sir.

Q. That was the statement you have referred to?—A. That is the statement I referred to.

Q. Do you know what Senator Ingalls did with the paper?—A. He gave it to Senator Buchan, of Wyandotte County, a member of the State senate. He thought, perhaps, it might be used in the election there, and after the election of Mr. Ingalls Mr. Buchan returned it to me.

Q. Do you know what instructions he gave Mr. Buchan?—A. No, sir; I do not.

Q. Did Senator Ingalls himself, or any one for him, ever pay you any money or thing of value, or make you any promise of a payment of money, or any other reward of any nature whatever, in consideration of your vote for him for United States Senator?—A. He nor his friends never did. I was too pronounced an Ingalls man.

Cross-examined by Mr. WEBB:

Q. You say that Hossack told you, after his nomination and before his election, that he was in favor of Ingalls for United States Senator?—A. Yes, sir.

Q. You say that you communicated that fact to Senator Ingalls?—A. Yes, sir.

Q. Did you tell Senator Ingalls that at the fair at Neosho Falls last fall?—A. I do not recollect that I did.

Q. When did you tell it to him?—A. I wrote to him after Mr. Hossack's nomination.

Q. Did you see Senator Ingalls at Neosho Falls?—A. I did.

Q. When was that?—A. It was at the time of the fair at Neosho Falls last year.

Q. Give us the month and day of the month, if you can.—A. I do not know as I can give you the month hardly. It may have been in September or October.

Q. You talked with him at that time?—A. We had frequent conversations.

Q. You talked to Senator Ingalls yourself at that time, did you not?—A. Yes, sir; I did.

Q. And told him you were in favor of his re-election?—A. I was, and did tell him so.

Q. Did he inquire of you in regard to the candidates for representatives in your county, whom they would be likely to vote for?—A. Yes, sir; he did.

Q. Had Hossack then been nominated?—A. I think not.

Q. Did he not ask you about Hallowell, senator from Cherokee, in the same conversation?—A. I think not.

Q. Do you not know that he did?—A. No, sir; I do not know anything at all about that.

Q. Did you not afterwards see Hallowell and tell him you had seen Ingalls?—A. No, sir.

Q. Did you not at any time tell Hallowell that Ingalls wanted to see him?—A. I may have at some time.

Q. Did Mr. Ingalls ever tell you he wanted to see Hallowell?—A. I think perhaps he did.

Q. Do you remember the fact that he did?—A. I cannot say for certain that he did, but I think perhaps he did in conversations I had with him.

Q. You say that you did not owe Playter anything, and I suppose that is true?—A. I know it is true.

Q. But Playter did hold a mortgage on property owned by your father?—A. Yes, sir.

Q. What was the amount of that mortgage?—A. I do not know that I can tell you only from the statement of Mr. Playter. He said \$3,000.

Q. Who gave that mortgage, do you know?—A. My father gave the last mortgage. He bought the property subject to the mortgage that was upon it, and afterwards renewed the mortgage.

Q. The mortgage that Mr. Playter held was not upon the property when your father bought it, was it?—A. Yes sir.

Q. Was the mortgage Mr. Playter held last winter upon the property when your father bought it?—A. Yes, sir; except that it had been renewed by my father.

Q. I am not talking about a renewal. I supposed you knew the difference between a renewal note and an original note, one evidencing an original debt and one given for a renewal of the same debt?—A. Yes, sir.

Q. Now, if you do know it, I ask you if the particular note and mortgage held by Playter were executed by your father?—A. Yes, sir.

Q. Were they executed by your father before or after he bought the property?—A. After he bought the property.

Q. They were executed, however, to take the place of a note and mortgage that were upon the property when he bought it?—A. Yes, sir.

Q. That is the fact?—A. That is the fact.

Q. Did not your father execute this note and mortgage directly to Playter?—A. Yes, sir.

Q. Was that mortgage-debt due at the time the legislature convened last winter?—A. I do not know anything at all about it.

Q. Yes, you do.—A. I do not know the date of it.

Q. I did not ask you its date; I only asked you if it was due?—A. I only know from what I was told by my father.

Q. What did your father tell you?—A. That it was.

Q. That it was past due?—A. Yes, sir.

Q. You are not a married man?—A. No, sir.

Q. You make your home at Girard with your father?—A. Yes, sir; I live with my father.

Q. And this mortgage was on your father's homestead?—A. Yes, sir.

Q. On property occupied by your father, your mother, your sisters, and yourself?—A. Yes, sir.

Q. What was the value of that property the last of December and first of January last?—A. Well, sir, if it was mine I would not take \$5,000 for it.

Q. Was it not well worth ample security for a debt of \$3,000?—A. Yes, sir.

Q. And is to-day?—A. Yes, sir.

Q. Your father told you that that mortgage was past due—overdue—before the legislature met?—A. He told me some time last summer.

Q. That it was then past due?—A. Yes, sir.

Q. And Mr. Playter carried that mortgage? About what time was it your father told you it was due?—A. I do not remember the month—the date. I cannot tell anything at all about it.

Q. You are a practicing attorney, are you not?—A. Yes, sir; I try to.

Q. And so is your father?—A. He makes some pretensions.

Q. Your father and yourself have an office there in Girard as attorneys-at-law?—A. Yes, sir.

Q. With that debt due last summer and the legislature meeting in January, do you know why Mr. Playter carried that debt along without commencing proceedings to foreclose the mortgage?—A. I do not.

Q. Your father told you it was past due. Were you entirely indifferent whether it was paid or not?—A. My father does business for himself.

Q. I am not speaking about your father doing business for himself. Your father told you that a debt of \$3,000, which he owed, and which was secured by mortgage on his homestead, was past due?—A. Yes, sir.

Q. I ask you if you were entirely indifferent whether that debt was paid or not?—A. I was not.

Q. You say that in December Mr. Playter asked you something about getting a loan from Ingalls to pay off a mortgage. I do not use your precise words, for I did not write them down, but I call your attention to that part of your testimony. I ask you now if it is not the fact that Playter was then pressing for the money, and had asked for the money, to your knowledge, either of you or of your father. To your knowledge, had not Playter asked the payment of that mortgage debt before that time?—A. I do not know anything about that.

Q. Did he not ask payment at that time of that debt?—A. Of whom? He did not of me.

Q. Do you not know he was asking the payment of the debt?—A. He was asking the payment of the debt, yes, sir.

Q. Could your father have met that debt last fall?—A. I do not think he could.

Q. Could you meet the debt?—A. I do not think I could.

Q. Although it was amply secured, your father could not raise the money to pay it, nor could you?—A. No, sir.

Q. Nor could both combined?—A. I did not try.

Q. I am not asking you what you tried.—A. I think we could, if we had combined.

Q. Had you the pecuniary ability to raise that money?—A. I had not ready money.

Q. Nor your father?—A. No, sir.

Q. Nor both combined?—A. We had property.

Q. I am not speaking of property. There was good property to secure that debt already under mortgage, so far as that goes. Now, sir, is it not the fact that Mr. Playter was asking payment of the debt?—A. He was.

Q. Pressing for it in December, before the legislature met, and was it not a fact well known to you then, that politics were somewhat commercial, and legislatures somewhat commercial in Kansas?—A. No, sir; I never dealt in it.

Q. I did not ask what you had done.—A. No, sir; I say no.

Q. You never had heard that Senatorial elections were controlled by money in Kansas?—A. I had heard so, but—

Q. That is all I ask. Had you not heard that?—A. I say I had.

Q. Now, is it not the fact that you said to Mr. Playter, in words or in substance, that you thought and believed that if he would not press that claim by proceedings to foreclose the mortgage, he could get a loan through Senator Ingalls and his friends sufficient to pay him off?—A. I never said anything of the kind.

Q. Let me suppose a case now. Had any gentleman, it matters not who he was or where he might reside, given the \$3,000 with accrued interest to Mr. Playter, and held that mortgage for six or eight months or a year, would it not have been an accommodation to your father?—A. No, sir.

Q. As a matter of fact, to your own personal knowledge, have not proceedings to foreclose that mortgage already been instituted in the district court of Crawford County and prosecuted to final judgment and decree?—A. Yes, sir; in my absence. I never saw the record.

Q. You say that Mr. Playter called on you in December and asked you if you could not get a loan?—A. Yes, sir.

Q. You say he brought the note and mortgage here, or pretended to do so, and asked you time and again if you could not get a loan to pay off that debt?—A. I do not know that he brought the mortgage here; I never saw it.

Q. He spoke to you several times about getting money to pay that off?—A. Yes, sir.

Q. What was your answer every time?—A. My answer was that I would not have anything to do with it.

Q. There was a debt you did not owe, a debt that you were under neither moral nor legal obligation to pay; here was a man, beginning in December and running through several weeks, asking you for money. Why did you not kick him out of your room or down stairs?—A. He is almost too small a man to kick, if you mean Mr. Playter.

Q. Certainly, I mean Mr. Playter. Now, Mr. Ping, you say that after this thing had been going on for some time you told Senator Ingalls of Playter's demand, or had a talk with him about Playter's asking the payment of this note and mortgage?—A. I told him upon the last day, the day that Mr. Ingalls was elected.

Q. I want to fix the time exactly. The morning of that election you had some conversation with Senator Ingalls about this Playter note and mortgage in Senator Ingalls' room?—A. Between eleven and twelve o'clock of the day of the election, before the joint convention assembled.

Q. Was it in Senator Ingalls' room?—A. It was.

Q. And you say it was between ten and eleven in the morning?—A. Between eleven and twelve, I said.

Q. So much the better. Now you say at that time Mr. Ingalls, in words or substance, said that Mr. Playter was a red-headed black-mailer?—A. Yes, sir.

Q. You know James S. Merritt?—A. Yes, sir; I know him.

Q. You know him to be the intimate friend and assistant of Mr. Ingalls last winter?—A. He seemed to be a very warm friend.

Q. Doing what he could for Ingalls' election?—A. Yes, sir.

Q. Do you not know that Mr. Merritt on that same morning agreed with Mr. Playter that he would take the note and mortgage?—A. No, sir.

Q. Do you know of the existence of such an agreement?—A. No, sir.

Q. You simply do not know that he did that?—A. I do not know that he did.

Q. When was the last time that you talked with Playter before the

final vote was taken for United States Senator, concerning that note and mortgage, which he claimed to have?—A. As I said, I think it was on the Thursday before the election.

Q. Now, I ask you if you know it was Wednesday, Thursday, or Friday?—A. The last was on Thursday.

Q. How do you know that?—A. I know that he did not say anything to me about it on the day Ingalls was elected.

Q. How do you know that?—A. Because of the conversation we had on Thursday before; we did not part very good friends.

Q. How do you know it was on the Thursday before? Might it not have been Wednesday?—A. Well, I say it was on Thursday.

Q. Why do you say it was Thursday?—A. Because the election was on Friday, and I did not speak to him on Friday.

Q. So, because you did not speak to him on Friday, you know a certain transaction took place on Thursday?—A. We parted not very good friends on Thursday, and our relations were not very pleasant from that time after.

Q. Did you not see him on Friday?—A. I did.

Q. Did you not see him at the capitol on Friday?—A. I did not.

Q. Did you not see him on the capitol steps on Friday?—A. I do not recollect seeing him on the capitol steps on Friday.

Q. Did you not see him up there on the top of the east or front steps of the capitol about the time you were going up to go into joint convention?—A. Not to my recollection.

Q. Did you see Mr. Merritt there?—A. I cannot say that I saw Mr. Merritt on that day.

Q. Did you see Mr. Hossack there at that time?—A. I did not.

Q. What time of the day was it that you saw Mr. Playter on Thursday?—A. I saw him in the morning, if my recollection serves me aright.

Q. Where?—A. At the Tefft House.

Q. In whose room?—A. I did not see him in any room at that time, except, I think, in the bar-room or office.

Q. You say that at some time—and you place the time as Thursday when he spoke to you about it—he said he had a paper in his pocket. What else?—A. Well, he said he had a paper in his pocket. We had had a conversation, and he was impressing me before I should vote for Mr. Ingalls that I should secure this loan, and I told him I would not have anything to do with it at all. Our conversation ended then, and as he was going up the Tefft House stairs, said he, "I will make it cost him ten times the amount the paper calls for, or I will make it damned hot."

Q. Is that what he said?—A. That is what he said.

Q. And all he said then?—A. All he said at that time.

Q. You say Mr. Playter was in embarrassed circumstances last fall. How did you know that?—A. Only from hearsay.

Q. You knew he held a well-secured note and mortgage of \$3,000 against your father, did you not?—A. Yes, sir.

Q. Is not Mr. Playter in the banking business there now?—A. Not in his own name. He stays in a bank there. I do not know what relation he has to it.

Q. Could you not use any consideration or inducement—I am not pretending to use his exact words or your reply—moved from Ingalls to you for your vote for him for United States Senator, and you said there was nothing of the kind, and no talk on the subject. Now, let me ask you if Mr. Ingalls did not promise to make you consul at Matanzas?—A. Never in the world.

Q. Did you not tell your friends at Girard and elsewhere that you expected that place?—A. I never did to a living man or woman.

Q. Is it not the fact that you left Girard some time in the last of April for Washington?—A. I went to Washington; yes, sir.

Q. And staid there how long?—A. I was in Washington twice, and during my stay East I was in Pennsylvania most of the time.

Q. I did not ask you about Pennsylvania. Answer my question about Washington. How long did you stay in Washington?—A. I was there, the first time, a week.

Q. When; at what time?—A. I think I got there about the 1st of April.

Q. And staid there a week?—A. I staid there a week. Then I went down—

Q. I do not care where you went. You went away, and then went back again. When did you return to Washington?—A. I returned to Washington about the 20th of April.

Q. How long did you remain there then?—A. I remained there about five or six days.

Q. Is it not the fact that you left Girard and went to Washington with the belief that you would be appointed consul to Matanzas?—A. I never did.

Q. You know James W. Steele, of this State, do you not?—A. I never saw him to my recollection.

Q. You knew of him?—A. I did.

Q. You knew he occupied that office?—A. I did.

Q. Is it not spoken of in Washington life as a Kansas appointment?—A. It was, I believe.

Q. Did you not expect to get that place, occupied by Steele?—A. No, sir.

Q. Did you make any application for it?—A. No, sir.

Q. Did you make any application for any other appointment?—A. No, sir.

Q. Did Senator Ingalls promise you any appointment?—A. No, sir.

Q. What time did the legislature adjourn last winter?—A. I think it adjourned along about the 1st of March.

Q. The first week in March some time?—A. I cannot say the exact day.

Q. You were a member of the State senate, and went to Washington?—A. I did, some time after the legislature adjourned.

Q. Did you not see Hallowell in Washington?—A. I met him there.

Q. You met W. J. Buchan there, did you not?—A. No, sir.

Q. You met there Mr. Donahue, a member of the house from Atchison?—A. Yes, sir; I did.

Q. Without stopping to name them, did you not meet a dozen or twenty members of the legislature of Kansas there?—A. I met perhaps not to exceed a dozen.

Q. Fully a dozen?—A. No; I do not think a full dozen.

Q. Eleven?—A. There may have been not quite a baker's dozen. I did not count them. There were a good many people there.

Q. Did they all go there for office?—A. I did not ask them. I met Mr. Eggers and Mr. Stumbaugh there.

Q. Excepting Mr. Eggers and Mr. Stumbaugh, was not every man of them whom you met in Washington a supporter of Ingalls in the Senatorial election here, so far as you knew them?—A. If you will enumerate who they were, I will tell you.

Q. I cannot enumerate them. I was not there, and did not see them.
—A. Well, he had some friends there.

Re-examined by Mr. WILLIAMS:

Q. Were Colonel Gillpatrick and Mr. Legate, of Leavenworth, at Washington?—A. Yes, sir; I met them there.

Q. Did either of them support Mr. Ingalls?—A. They did not, I believe.

WILLIAM J. BUCHAN, a witness called by the respondent, sworn and examined.

By Mr. EVEREST:

Question. Where do you reside?—Answer. I reside in Wyandotte County, in this State.

Q. Were you a member of the legislature of the State of Kansas last winter?—A. I was.

Q. Of which house?—A. A member of the senate.

Q. How long have you resided in Kansas?—A. About eleven years, I think.

Q. What is your business?—A. I am a lawyer.

Q. Do you know Senator Ingalls?—A. I do.

Q. Did you support him for United States Senator at the last session of the legislature?—A. I did, and when he was elected six years ago also.

Q. Did you vote for his first election?—A. Yes, sir; as a member of the house.

Q. Do you recollect being present at his room on the morning of the election in January last and having an interview with him regarding some matters connected with one Frank Playter?—A. Yes, sir.

Q. State to the committee what took place at that time, using your own language.—A. I do not know that I can state the exact language, but I can give the purport of the conversation. Mr. Ingalls sent for me as I was passing the hotel on my way up to the joint convention, perhaps about eleven o'clock, and I went to his room. He said to me, in his familiar way, "Billy, I anticipate that an attempt will be made to York me to-day," at which I expressed some little surprise. Then he stated to me in a hurried manner that one Playter from Girard had come to his room and shown him a statement purporting to have been signed by one Hossack, who was a member of the house, I believe, and demanding money. I will not be positive after hearing Senator Ping's testimony, but he either said to me that he demanded money or he demanded the payment of the Ping note. I know Ping was connected with it in some way. He also showed me a statement signed by Mr. Ping, written in pencil in Mr. Ping's handwriting, I think, and said that he had made a statement himself of the conversation that took place between Playter and himself; said that he had denounced him as a blackmailing scoundrel, and dismissed him or ordered him out of his room or something, and requested that I should get as prominent a seat as I could in front of the speaker, and that in case any affidavits were read that I should immediately get the ear of the president of the convention and read those statements, the statement by himself and the one by Ping, and demand that Mr. Ingalls be sent for and be permitted to appear before the convention. That was the general purport of the conversation. I have hardly thought of it since.

Q. You say that he told you that he had been informed there would

be some attempt to York him ?—A. He said that he anticipated an attempt.

Q. And the reason was because Playter had presented a paper to him, purporting to be signed by one Hossack, demanding money ?—A. Yes, sir.

Q. And that he had refused the request and ordered Playter out of his room ?—A. He had denounced him as a blackmailing scoundrel—I think that was his language—and ordered him out of his room.

Q. State to the committee what you did.—A. I immediately went to the convention. I think he asked me to hurry up—it was getting late—and to get there as soon as I could. I went up there; went into the convention. No affidavits or statements were read. Nothing of the kind transpired during the convention, and I did nothing. After the convention adjourned, I returned the papers to Senator Ingalls—the Ping statement, and the statement of himself.

Q. The papers he had handed you ?—A. Yes, sir; the papers he had handed me. The paper in Senator Ingalls's handwriting was simply a detailed statement of what he had hurriedly told me in the room, and the other was a statement from Ping, giving, as near as I can recollect now, pretty much the statement given by Senator Ping here on the stand a few moments ago about the conversation he had had with this man Playter about the payment of that note and mortgage of his father.

Q. Did I understand you to say that you were a member of the legislature when Mr. Ingalls was first elected to the United States Senate ?—A. Yes; I was then a member of the house.

Q. From what county ?—A. From Wyandotte County; from the city district.

Q. You then voted for him ?—A. I voted for Mr. Ingalls at that time.

Q. When you were elected to represent Wyandotte County in the senate of the State, did the people of your senatorial district know what your views were regarding the choice of United States Senator ?—A. They did.

Q. State what they were.—A. They knew that my choice was for Senator Ingalls. They knew that I had voted for him previously, when I was in the house; knew that I had always been a friend of Senator Ingalls, and expected, and it was generally talked in the county that I would support Senator Ingalls. It was understood that I would. It never was questioned.

Q. State now to the committee whether Senator Ingalls, or any of his friends, or any other person, ever offered you any money or anything of value, or promised you any money or anything of value, in consideration of your supporting him for the United States Senate ?—A. No, sir; and I never knew that I had been charged with anything of that kind.

Cross-examined by Mr. WEBB:

Q. Tell about that paper which Ping wrote.—A. I do not know that I can tell you anything more than I have.

Q. How large was the sheet of paper ?—A. My recollection is, that it was on a half sheet of note paper. It was a small sheet.

Q. Written on one side or on both sides ?—A. Indeed I cannot tell you.

Q. Repeat now the substance of it and all of it ?—A. Well, I say that I cannot repeat the substance. As near as I can recollect, it was a statement of the conversation that Playter had had with Ping prior to coming to the legislature, perhaps something relating to the conversation afterwards. I never saw the paper afterwards, and did not take any particular pains to remember it.

Q. What did you do with that paper?—A. I returned it to Senator Ingalls.

Q. When?—A. After the election.

Q. Have you ever seen it since?—A. No, sir.

Q. You think it was a half sheet of note paper?—A. That is my recollection.

Q. Was it dated?—A. I cannot say whether it was or not.

Q. Was it signed?—A. Yes, sir.

Q. By Ping?—A. By P. I. B. Ping.

Q. Of course you remember the signature?—A. Yes.

Q. Was it written all over the one page which contained writing?—A. Indeed I do not know.

Q. Did you hear Ping's testimony here?—A. I heard a portion of it.

Q. Could the portion of it that you heard be put on one page of ordinary note paper?—A. I said this paper contained, as near as I could recollect, a statement as detailed by Mr. Ping of the conversation between him and Playter at Girard, and it might have contained also a statement of the conversation at Topeka, but I am not positive. It was not a very lengthy statement. It was concise.

Q. Then you really do not know the contents of that paper?—A. I know it in a general way.

Q. Senator Ingalls wanted you to go there and get a prominent seat so that if there was an attempt to York him you could ask that he should be called upon to explain and defend?—A. I do not know what he wanted. That is what he said to me. He asked me to read those papers and demand that he be permitted to come before the convention.

Q. Then you sometimes doubt whether Senator Ingalls always wants what he says?—A. I do not know anything about that.

Q. When he said to you that he anticipated that an attempt would be made to York him, you understood him?—A. I understood what?

Q. You understood what he meant?—A. I understood what he said.

Q. He did not tell you that he had heard such an attempt would be made, but only that he anticipated it?—A. I think I used his language in that respect, "Billy, I anticipate an attempt to York me to-day." I think that was about his language.

Q. Do you know whether Ping had written that statement that same morning?—A. My impression was at the time that he had. I think Mr. Ingalls stated "Here is the statement written by Ping," but I do not know. That is my impression.

Q. Did you understand from Ping's statement the date of the conversation referred to as having taken place between himself and Playter?—A. At Girard?

Q. No; at Topeka.—A. No; I did not know the date of any of the conversations.

Q. Did you not understand that Ping's statement referred to a conversation which took place between him and Playter that morning on the stairs of the Tefft House?—A. I do not know that I did. In fact, I have no recollection of the time of the conversation at Topeka nor of the time of the conversation at Girard. I simply remember the statement of those two conversations.

Q. You voted for Ingalls six years before?—A. I did.

Q. And you voted for him last winter?—A. Yes, sir.

Q. You were a friend of Ingalls during the whole Senatorial contest of last winter?—A. I was a friend of Senator Ingalls. I intended to vote for him all the time, and was expected to do so by the people of my county.

Q. Did you vote for him in all the caucuses you attended?—A. No, sir; I think I gave a complimentary vote to my friend Ben. Simpson.

Q. Did you vote in the senate for Ingalls when the houses voted separately?—A. I think that was the time when I cast the complimentary vote for my friend Ben. Simpson.

Q. Did you vote at every session of the joint convention for Senator Ingalls?—A. I think so, but I would not be positive about that, the record will show.

Q. Is it not a fact that you were a little shaky on the Ingalls question?—A. I might have been, but if so I was not aware of it myself.

Q. Is it not the fact that he and his friends told you that, if you would vote for him and support him, you should be United States district attorney for Kansas?—A. No, sir.

Q. Do you not know that Ingalls had in his pocket Peck's resignation during the whole of the last session, carrying it around for the purpose of getting votes?—A. I do not.

Q. Do you not know that he promised that district attorneyship?—A. Wait a moment.

Q. I do not desire you to answer that question. Do you not know that Peck had in fact written the resignation and delivered it to Senator Ingalls?—A. I do not, and I did not then. I do not even know it now.

Q. Did you not so understand from current rumor and talk?—A. No, sir; I never gave the matter any consideration whatever.

Q. How many men did you tell that you expected to be United States district attorney?—A. I do not think I ever told any one. I am sure I did not tell you.

Q. Do you undertake to say that you did not tell any one?—A. Undoubtedly. I did not tell any man, woman, or child that I had ever been promised, offered, or even expected to be United States district attorney. In fact the idea never entered my head. That is what I mean to say exactly.

Q. And that is what you do say?—A. That is what I mean to say, and I understand what I say when I say it, too.

Q. Do you say now that you never understood or heard during the session of the legislature that Mr. Peck, United States district attorney for the district of Kansas, had resigned?—A. I say most emphatically that I never heard of it, to my recollection, and I am positive that I never did at that time.

Q. Did you not go to Washington after the legislature adjourned expecting Ingalls to give you an office?—A. No, sir; I think Mr. Ingalls will tell you that I never have been an applicant for any office, if you put him on the stand.

Q. I do not intend to put him on the stand. What I ask you is, if you did not go to Washington at all?—A. I did go there.

Q. How long did you stay there?—A. I think I was there and in the vicinity of Washington about a week.

Q. Is it not a fact that about as soon as the legislature adjourned there was a general stampede of the Ingalls men to Washington?—A. I do not know anything about that. I met some of the memorialists in Washington when I was there, more of them, I think, than of the friends of Senator Ingalls.

Q. They were after him?—A. They had not been for him, so it seemed—a good while after him.

Re-examined by Mr. EVEREST:

Q. Is there any statement you wish to make?—A. Nothing in particular. I simply intended to go further in answer to one question of Mr.

Webb, and to remark that he was the only gentleman I had heard say that I had been offered or expected to receive the office of district attorney, or that I knew that Mr. Ingalls had in his pocket the resignation of George R. Peck. That is the only source from which I had ever heard of that information.

Q. When was that and where?—A. This morning, here in this court-room.

The committee took a recess until half-past 2 o'clock p. m., and resumed its session at that hour.

WILLIAM H. PILKINGTON, a witness called by the memorialists, sworn and examined.

By Mr. WEBB:

Question. Do you reside in Republic County?—Answer. Yes, sir.

Q. At what town or city?—A. I reside at Belleville.

Q. Is that the county seat of your county?—A. Yes, sir.

Q. You are an attorney at law, and engaged in the practice of the law at that place?—A. I am.

Q. Were you a member of the last Kansas legislature?—A. I was not.

Q. Had you not been at several sessions previous?—A. Three sessions previous.

Q. Were you at Topeka during the session of the legislature last winter?—A. I was in Topeka during the Senatorial election, about four weeks, I think.

Q. Did you take any part in that contest as an outsider?—A. I did some.

Q. In favor of what candidate?—A. Governor Anthony.

Q. Were you present at a caucus of the opponents of Senator Ingalls held on, I think, Thursday night, the 30th of January, and which was known and spoken of as the anti-Ingalls caucus?—A. I was. There was one held in the afternoon and one at night. I cannot remember definitely as to the day, but it was the evening and the night before the election.

Q. Then it was on Thursday; were you present at both those sessions of that anti-Ingalls's caucus?—A. I was. I was doorkeeper for the caucus.

Q. Who was the Senator from your senatorial district last winter?—A. I. O. Savage.

Q. Where does he reside?—A. He resides about five miles from Belleville, in Republic County.

Q. How long have you known Mr. Savage?—A. I have known him between eight and nine years.

Q. Well acquainted with him?—A. Yes, sir; I am tolerably intimately acquainted with him.

Q. Do you know from his statements to you who his choice was for United States Senator down to the time the legislature convened in January?—A. I do not know that I could state positively in regard to that. I can state whom he was for when he got here to Topeka, but prior to that I think I had had but little conversation with him in regard to the Senator.

Q. At the time you did know who was his choice?—A. Mr. Phillips was his choice at that time.

Q. William A. Phillips?—A. Yes, sir.

Q. Did he express a choice for any other candidate? In the event

that Mr. Phillips should not be successful, who was his next choice?—A. Well, the only expression I heard made, I believe, was made in the caucus the night of the caucus in regard to that.

Q. Expression made by whom?—A. By Mr. Savage.

Q. Did he then declare his preference or choice?—A. Yes, sir; I believe he did.

Q. Whom did he then declare himself favorable to?—A. Well, after the caucus had, I believe, determined on Judge Horton, or at least the indications showed that they would determine upon him, Mr. Savage spoke to me and said that we could not get any better man—or something to that effect; I do not know that I could give his words exactly—than Judge Horton; that he was a man he could afford to vote for and go before his constituents, or something to that effect. That was the substance of it.

Q. Was he present at the afternoon caucus as well as the night caucus?—A. I believe he was.

Q. Are you certain that he was present at the night caucus?—A. I know he was, because I talked with him a number of times and along about three o'clock, about the time they had united on Horton.

Q. Was he an active member in that anti-Ingalls caucus?—A. I thought he was that night.

Q. How long did he remain there—until its close, or did he leave before the final adjournment?—A. He remained to its close, I believe.

Q. You say you have known him several years. Do you know what his financial condition was about the time he left home to come here to attend the last session of the legislature?—A. Partially I do from my knowledge and partially from report. That would be the only way I could know.

Q. You have said you are an attorney at law. Had you any claims for collection against him?—A. Yes; I had two.

Q. Claims in what amounts?—A. There was one claim that amounted, I think, to about \$300. I could not say definitely. It was either a little over three hundred or a little under three hundred.

Q. About how much was the other claim?—A. The other claim I did not have in my hands. You will have to allow me to explain just the way that came. It was a man by the name of Edgecomb that Mr. Savage had had the selling of a farm for, and he had sold the farm some time prior to the meeting of the legislature; and about the time of the meeting of the legislature Mr. Edgecomb wrote to me and wanted me to see Mr. Savage; that there was, I think, some \$300 that had not been paid over to him that had been received by Mr. Savage, and he wanted me to see Mr. Savage and have him remit that money at once.

Q. Did you see Mr. Savage?—A. I am not sure whether I ever spoke to Mr. Savage about it or not. It is my impression that I did not speak to him about it. It was about the time he was coming to the legislature, and I think that I did not speak to him about it.

Q. Did you speak to him about the other claim of about \$300?—A. I did a number of times.

Q. How long had that been in your hands for collection when he left home to come to Topeka?—A. I suppose it had been two or three months, perhaps four.

Q. What did he say in respect to his ability to pay when you called on him to pay that claim of about \$300?—A. His remark was that he would fix it as soon as he could. That was about the remark he made.

Q. Do you know anything about his farm being mortgaged?—A. I only know by general report in regard to that. I do not know of my

own knowledge, only from parties that seemed to be interested in it. That is all the way I know anything about it—what they told me.

Q. After his return from Topeka, or before, was it a matter of common report or talk in your town that his farm had been mortgaged when he went to Topeka, or was then mortgaged?

The CHAIRMAN. That is going a good way, Mr. Webb, to inquire about a matter of report, when the transaction must be a matter of record.

By Mr. WEBB:

Q. Well, do you know whether those two claims of about \$300 each have been paid?—A. Yes, sir; I was notified by Mr. Edgecomb that the amount had been paid. I think I received the letter about the adjournment of the legislature, stating that I need not look after it any further; that it had been remitted to him.

Q. Did he state in what way?—A. No, sir; he just stated that he had received it.

Q. Did he state from what particular place the remittance had been made?—A. He did not to my recollection now, but stated that he had received it.

Q. How about the other claim of \$300?—A. That was paid a short time after the adjournment of the legislature; at least I was notified by the bankers in New York that they had received their money, and Mr. Savage told me that he had sent it.

Q. Did he tell you from what place he had sent it?—A. He sent a good portion of it from Belleville.

Q. Do you know anything about his putting up any building in Belleville?—A. He has built a building during this summer.

Q. A new building entirely?—A. Very nearly. He used a little material out of another building that he owned.

Q. Do you know what that building cost him? Did he tell you what it cost him?—A. I believe he told me it cost him about \$300.

Q. Were you present in the joint convention when the final ballot was taken for the election of United States Senator?—A. I was not in the room when the ballot was taken; I was down at the Tenth House.

Q. Then you do not know, of your own personal knowledge, how Senator Savage voted?—A. Not of my own personal knowledge; I only know from what I heard him tell.

Q. Did you hear him say how he voted?—A. Yes; I was speaking with him afterwards.

Q. How did he say he had voted?—A. He said he had voted for John J. Ingalls.

Q. What time was it that the anti-Ingalls caucus, held the night before that final vote, adjourned?—A. It adjourned between three and four o'clock in the morning—not until some time after three o'clock.

Q. Intermediate that adjournment and the assembling of the joint convention, did you see Senator Savage?—A. I did not talk with him after the adjournment of the caucus.

Q. He was a Horton man at the time of the adjournment of that caucus?—A. He said so to me just about the time of adjournment, I think.

Q. Do you know of Senator Savage sending any money to any person at Belleville while the legislature was in session and he was here?—A. No, sir; I do not.

Q. Any draft?—A. None that I know of.

Q. Where is the nearest express-office to Belleville?—A. The nearest

one now is at Scandinavia, ten miles off, but at that time I do not think we had an express-office there. I think the nearest was Concordia then, twenty miles off.

Q. Do you know of Senator Savage sending any money to Concordia while the legislature was in session?—A. No, sir; I do not.

No cross-examination.

DELOS W. ACKER, a witness called by the memorialists, sworn and examined.

By Mr. WEBB:

Question. Do you reside in Marshall County?—Answer. Yes, sir.

Q. State whether you were an officer (I believe, doorkeeper) of the senate of this State at its last session?—A. I was.

Q. Were you present and on duty as such officer the morning of the day upon which the last ballot was taken for the election of United States Senator?—A. I was.

Q. State who the representatives in the house of representatives were from Marshall County?—A. W. W. Smith represented the south district, No. 75, I believe, and Leander P. Hamilton the other district, No. 74.

Q. Are you acquainted with Mr. Hamilton?—A. I am.

Q. Were you acquainted with him during the session of the legislature?—A. Yes, sir, and long years before.

Q. State whether you know or have any means of knowing this last winter of the payment of any money to Mr. Hamilton with respect to the Senatorial election and his vote for Senator.—A. I do not know.

Q. Do you know John Bissell?—A. I am partially acquainted with him.

Q. He was a member of the house, I believe, from Phillips County?—A. Yes, sir.

Q. Did you know him last winter?—A. I did; that is, I had a slight acquaintance with him, and have now.

Q. After the legislature adjourned did you go home in company, the whole or a part of the way, with Mr. John Bissell?—A. I met Mr. Bissell on the train west of Atchison.

Q. On the Central Branch Railroad?—A. On the Central Branch Railroad?

Q. And rode with him from that point how far west?—A. I rode with him seventy-five miles, if he got on at Atchison; that is, I did not see him until after I passed Atchison.

Q. Do you remember having any conversation with him on that occasion in which Mr. Hamilton's name was mentioned by you to him?—A. I do not remember that Mr. Hamilton's name was mentioned at all.

Q. As a matter of fact, was not that after the investigation which had been ordered by the house of representatives had been completed and the report made?—A. Yes, sir.

Q. The legislature had adjourned without day?—A. Yes, sir.

Q. Did you not tell Mr. Bissell, on that ride and on that occasion, speaking with reference to the investigation which had then been completed, that you had made a lucky escape; that if they had known as much as you did you would have been called before that committee to testify?—A. I do not remember making that remark to Mr. Bissell. I think I did say to Bissell, since you have called my attention to it, that I did expect to have been called before that committee, but was not.

Q. In that conversation did you not state to him, speaking with reference to the fact that you had expected to be called but were not called, that you did know of the payment of money to Mr. Hamilton, of Mar-

shall?—A. I did not. I knew of no such thing. I do not think I mentioned any such thing to Mr. Bissell.

Q. Did you not state to him on that occasion that you knew of the payment of money to Senator I. O. Savage or to Senator Savage?—A. I do not think Mr. Savage's name was mentioned at all between us. I do not remember that it was.

Q. Having reference to Mr. Savage, whether or not you used his name or referred to the fact of his being senator, designating his district, did you not in some manner say, so that he understood you to say, that you knew of the payment of money to Senator Savage?—A. I think not. I cannot distinctly recollect the conversation between Mr. Bissell and me. We had a conversation. He commenced to tell something about the investigation, and I replied to him. I cannot remember distinctly, but I think Senator Savage's name was never mentioned between us. I knew of no money being paid to any man.

Q. Had you not been told of the payment of money to members of the legislature?—A. I might have been. It was currently reported that money was paid to Mr. Hamilton. I never thought enough about it to ask Mr. Hamilton whether it was so or not.

Q. Then, as a matter of fact, it was currently reported that Mr. Hamilton had received money for his vote?—A. Such was the report, and is yet.

Q. What was Mr. Hamilton's political proclivity?—A. Mr. Hamilton has been a Republican up to the last two or three years, since which time he has been a member of the Greenback party.

Q. Was he elected as a Republican or as a Greenbacker to the house?—A. As a Greenbacker.

Q. If you know of his action, state whether he went into the Republican caucus or into the Greenback caucus.—A. I do not know personally that he went into either.

Q. Before you left here for your home and before the meeting between yourself and Mr. Bissell at Atchison or on the train from Atchison, did you not know that it was currently reported that Senator Savage had received money for his vote?—A. I do not know anything about it.

Q. About the current report?—A. I do not think I ever heard any report in relation to him.

The CHAIRMAN. The witness has stated that he did not know of any payment of money to anybody, and we do not think the introduction of reports or rumors in relation to such matters can add any strength to the position of the memorialists. We dislike to see gentlemen's names mentioned in connection with mere reports and rumors. If it is to be followed by proof of the fact, perhaps it might be received. I dislike to interfere with counsel in the examination of witnesses, but we have given very wide latitude to this inquiry. It must be apparent to counsel that if witness after witness testifies that reports were in circulation that A, B, and C had been paid money for their votes, unless it is followed by proof of the fact of the payment of money it can have no weight in the decision of this question. If it is to be followed by proof of the fact or of circumstances from which presumption of the fact would inevitably arise, I have nothing to say.

Mr. FENLON. We must protect ourselves as lawyers in this case by saying that we should object to this character of testimony but for the fact that Senator Ingalls has instructed us not to object to anything.

The CHAIRMAN. Having awarded to the memorialists and the respondent the privilege of appearing by counsel, the committee have felt reluctant to interfere with their course of examination; but it must be

apparent to gentlemen on each side of this question that reports alone, unsustained by facts from which those reports were a legitimate inference, can have nothing to do with the establishment of the issue in this cause. However, I say now if there are any facts proved from which a legitimate inference of the payment of money can be made, or if the fact of the payment of money itself as an independent proposition is to be shown, then we shall have no objection to receiving rumors as well as proof of the facts which tend to establish the conclusion; but if we are simply to have proof of rumors, not to be followed by the establishment of facts from which an inference of the truth of the rumors can be established, we do not see how it can be admissible. I do not know what the counsel propose. This is not a new position with me, because in another investigation I took the same position when another gentleman's right was involved, and I think it is the true ground.

Senator BAILEY. There is another objection to it, Mr. Chairman; it attacks the character of men improperly.

The CHAIRMAN. My brethren of the committee have seemed to devolve on me entirely the responsibility of speaking in this matter. I shall be very much indebted to them if they will correct me or stop me at any time when I give expression to a view that is not in accord with their own judgment. I think, though, I have the consent of all the members of the committee to the view which I have now expressed.

Mr. WEBB. Mr. Chairman, if the committee will bear with me one moment, I want to say a word in regard to this testimony on this occasion. I endeavored to obtain from the witness a statement of what he knew before he took the stand, and he assured me that he did not know anything material. I have a great deal of confidence in his statement, but I hold in my hand a paper upon the statements in which I frame my questions. I wanted to show, if I could, from this witness that a certain conversation took place and what that conversation was. It may be that a conversation took place in which he spoke of rumors, and the bearer may have understood him to speak of facts. We intended and do intend to place Mr. John Bissell on the stand as to that conversation, and in all fairness in the world, Mr. Chairman, to this committee and to the triers who are ultimately to determine this question and to this witness, I wanted to give him the opportunity to distinguish himself between facts or statements as and for facts, and rumors as and for rumors.

Mr. Chairman, I have not been thus far, I think, in the progress of this examination, upon my feet to undertake to impress upon this committee that I knew anything as to how a witness should be examined or as to what was and what was not legitimate cross-examination or legitimate and proper examination, or what is or is not legitimate and competent testimony, nor anything in regard to the rules that govern the production of testimony. If any other gentlemen have, it has been their high prerogative, and the committee has listened to them. I trust I have not unduly trespassed on the time of this committee, and I shall not hereafter. I only say I do not mean to impose on the committee anything except that which in my judgment at the time I believe to be proper for the occasion, and I shall always submit to be called to order and stopped on the suggestion of the chairman.

The CHAIRMAN. The committee have no complaint to make of counsel on either side. They only say that counsel sometimes, in their judgment, go a little too far, and yet we are in a position where we cannot know the motives which prompt the inquiries by counsel, and hence it is with the greatest reluctance that at any time, as chairman of this com-

mittee, I interfere with the examination of counsel so able to conduct a case of this kind; but it did occur to me, as it did to my brethren, that when testimony in reference to a current rumor affecting seriously the character of the party inquired about was offered, unless it was intended to be followed by some proof of facts from which a legitimate inference could be drawn that the party had received money or by proof of the fact itself directly the, introduction of rumors was not exactly proper. Mr. Webb's statement of his object, I think, is fair and proper.

Mr. WEBB. We are through with the witness Pilkington, Mr Chairman.

Cross-examined by Mr. EVEREST:

Q. You were here as doorkeeper in the senate during the whole legislative session?—A. Yes, sir.

Q. You knew Mr. Savage well?—A. Yes, sir.

Q. How long have you known him?—A. Four years.

Q. You knew L. P. Hamilton well, did you not?—A. Yes, sir; ever since he was a boy.

Q. Did I understand you to state to the committee that you knew of the payment of any money to either of these gentlemen for his votes?—A. No, sir; I did not state it.

Q. State now if you know of the payment of any money or anything of value, or the promise of any money or anything of value, to either Mr. Savage or Mr. Hamilton in consideration of his vote for Mr. Ingalls for the United States Senate?—A. I do not.

Q. Did you ever state to Mr. Bissell or any one else that you knew of such fact?—A. I do not think I ever stated to Mr. Bissell anything of that kind. If the counsel will permit me, I will try to state the conversation as near as I can recollect it between me and Mr. Bissell.

Q. I do not care to go into reports. I ask you if it was not currently reported through Topeka and elsewhere that money had been used by all the candidates for the Senate?—A. I do not know that that was a current report, but still I knew there were such reports out.

Q. Did you not know that Mr. Hamilton had a personal reason for not supporting Judge Horton?—A. I believe he had.

Q. Did you not know that Mr. Hamilton for personal reasons would not under any consideration support Judge Horton?—A. I do not know that I knew it, and yet I understood that was the case. I do not think I ever had any conversation with Mr. Hamilton in relation to it.

Q. Who was Mr. Hamilton's choice after Mr. Phillips had ceased to be a candidate?—A. That I only know by report.

Q. Give your information.—A. I do not know that I can tell, but some of my friends told me that after he had got through with Mr. Phillips Mr. Ingalls was his choice, and when they told me that, I was perfectly satisfied. I had no conversation with him in relation to the matter.

Re-examined by Mr. WEBB:

Q. Counsel got you to say that it was rumored or talked or reported that money was used by all the candidates. Who were the candidates for the United States Senate who were charged with using money, so far as you heard them?—A. It was reported that positions equal to so much money had been offered by other candidates, Mr. Phillips for one.

Q. Just wait a moment. Counsel asked you if it was not currently rumored or reported that all the candidates—emphasizing "all"—used money to advance their election, and you substantially answered that in the affirmative, making, perhaps, a slight qualification?—A. I do not mean to be so understood.

Q. I do not ask you concerning any promise of office or any inducement outside of money; but tell us what candidates were reported as using money to secure their election.—A. I do not know that I can answer that question. It was reported that Mr. Phillips had offered positions equal—

Q. Wait a moment. Tell the committee of what candidates it was reported that they were using money?—A. Well, I think it was reported that Mr. Phillips was using money.

Q. Who else?—A. It was reported that Mr. Ingalls was using money.

Q. Very well. Another one?—A. And Mr. Anthony.

Q. Very well; another?—A. I do not know that there was any more. I had forgotten Judge Horton when I answered the attorney in that manner. I do not know that I ever heard it of Mr. Horton.

Q. Was it reported that Mr. Mitchell was using money?—A. I do not know that it was.

Q. Was it reported that Mr. Goodwin was using money?—A. I had forgotten that Mr. Goodwin was a candidate at all.

ISAAC O. SAVAGE, a witness called by the respondent, sworn and examined.

By Mr. EVEREST:

Question. State where you reside.—Answer. I reside in Republic County, Kansas.

Q. How long have you resided there?—A. Eight years last January.

Q. Were you a member of the legislature of the State of Kansas last winter?—A. Yes, sir.

Q. Of which house?—A. The State.

Q. Representing Republic County in this State?—A. Republic and Cloud Counties.

Q. Do you know Mr. Ingalls?—A. I do.

Q. Were you acquainted with him before you came here as a senator to the State senate?—A. I was slightly acquainted with him.

Q. State whether you ever received any money consideration, or anything of value, upon any consideration of your voting for John J. Ingalls for United States Senator?—A. I did not.

Q. Did you ever have the promise of any money, thing of value, or any reward whatever for your vote for John J. Ingalls for the United States Senate?—A. I did not.

Q. How many representative districts are there in Cloud County?—A. Two.

Q. Is it not a fact that the representatives from Cloud County were instructed by the convention which nominated them to support Mr. Ingalls for the United States Senate?—A. I have always understood they were. I do not know that from personal knowledge, but I understood that they were instructed for Mr. Ingalls.

Q. What was the sentiment, as you understood, of Republic County with regard to the choice for United States Senator?—A. The sentiment generally was in favor of Mr. Phillips, I believe.

Q. And after Mr. Phillips, who was the next choice?—A. Mr. Ingalls.

Cross-examined by Mr. WEBB:

Q. You say that you understand, or did understand, that the representative districts in Cloud County instructed for Ingalls?—A. Yes, sir.

Q. When were those instructions given?—A. Given at the representative convention.

Q. At what time?—A. I do not know when they were held.

Q. In what year?—A. The year 1878.

Q. This is 1879; and when were these instructions given for Ingalls?—A. Prior to the last election for representatives.

Q. Was it in 1878?—A. Yes; I think it was.

Q. When were you elected senator—in what year?—A. In 1876.

Q. Then you were elected senator to represent the counties of Cloud and Republic two years before Cloud County instructed her representatives to vote for Senator Ingalls?—A. Yes, sir.

Q. Had you any choice for United States Senator when you came here to attend the last session of the legislature?—A. Yes, sir.

Q. Who was your personal and first choice?—A. Mr. William A. Phillips.

Q. Did you vote for Mr. Phillips?—A. Yes, sir.

Q. Did you vote for Mr. Phillips, on any occasion, in caucus or at the election?—A. Yes, sir.

Q. Did you vote for Mr. Phillips when casting your vote as a senator in the senate and in joint convention?—A. Yes, sir.

Q. Both?—A. Yes, sir.

Q. In voting in joint convention, did you vote for any other person than Mr. Phillips before you voted finally for Mr. Ingalls?—A. I did not.

Q. Then in the senate, when it voted separately from the house on Tuesday, you voted for Phillips?—A. Yes, sir.

Q. When the senate and house met in joint convention on Wednesday, you voted therein for Phillips?—A. I do not remember the days of the week. I voted for Mr. Phillips every time but the last one; the last vote was cast for Mr. Ingalls.

Q. Do you not remember upon what day the first vote was taken in the senate and house separately?—A. No; I do not.

Q. Did you attend any caucuses while you were here?—A. Yes, sir.

Q. What caucuses did you attend?—A. I attended Mr. Phillips's caucuses.

Q. Any others?—A. Yes, sir.

Q. What others?—A. I attended the anti-Ingalls caucus, so called.

Q. How many sessions of that caucus did you attend?—A. I was there twice, I believe.

Q. Did you remain on each occasion until the caucus adjourned?—A. I did the last one; the other one I do not think I did.

Q. When was the last one held?—A. The night before the senatorial election.

Q. Where was it held?—A. At the Capital or State-house.

Q. In the hall of the house of representatives?—A. Yes, sir.

Q. Did you take part in that caucus by voting or otherwise?—A. I took part by voting.

Q. Do you remember for whom you voted?—A. Yes, sir.

Q. For whom did you vote in that caucus?—A. I voted for Mr. Phillips.

Q. For any other person?—A. Yes, I believe I did.

Q. For whom?—A. I think I voted for Mr. Simpson once or twice.

Q. For any other person?—A. Yes, sir.

Q. For whom?—A. I voted for Mr. Anthony once or twice.

Q. Phillips, Simpson, and Anthony. Did you vote for any other person than those three?—A. I voted for Mr. Horton.

Q. And Horton was the nominee of that caucus?—A. He was.

Q. You understood that to be a caucus of members of the legislature opposed to the re-election of Senator Ingalls, did you not?—A. That was what it was called for.

Q. You were yourself one of the members of the legislature that up to that time had been opposed to the re-election of Senator Ingalls?—A. I had been in favor of Mr. Phillips's election.

Q. Now, I want you to answer my question if you can, and I think you can. I asked you to answer and you did answer that that caucus was a caucus of members of the legislature opposed to Senator Ingalls's re-election. Now, I ask you if you yourself were not one of the members of the legislature that up to that time had been opposed to the re-election of Senator Ingalls?—A. I had been.

Q. And as such opponent of Senator Ingalls you went into the anti-Ingalls caucus, did you not?—A. I did.

Q. The deliberations of that caucus culminated in the nomination of Albert H. Horton as the anti-Ingalls candidate?—A. Yes, sir.

Q. In that caucus did you not say that he was the best man to be nominated against Ingalls, or something to that effect?—A. I do not know as I did. I do not think I did.

Q. Did you not ask members of that caucus to vote for Mr. Horton?—A. I do not think I did.

Q. Had you any talk with W. H. Pilkington in the caucus or about the time it adjourned?—A. Yes.

Q. Did you state to Mr. Pilkington that Mr. Horton was a man for whom you could vote and go home and justify your vote to your constituents; that you could not vote for Mr. Ingalls and go home and justify such a vote to your constituents?—A. Mr. Pilkinton said that to me.

Q. I did not ask you what Mr. Pilkington said; I asked if you did not say it?—A. I did not.

Q. You say he did say it?—A. Yes.

Q. I ask if you did not acquiesce in it?—A. I made no reply to it.

Mr. WEBB. Silence gave consent, did it not?

Mr. PECK. You will have to call experts on that point.

Q. (By Mr. WEBB.) About what hour of the night or early hour of the morning was it that that caucus adjourned?—A. It was about three o'clock.

Q. In the morning?—A. Yes, sir.

Q. Do you remember where you went from that caucus direct?—A. I came down to the Tefft House.

Q. Did you come to the rooms occupied by any person?—A. No, sir.

Q. Did you not come to Judge Horton's room after the adjournment of that caucus, and congratulate him upon his nomination?—A. I did not.

Q. Did you see him?—A. I did not.

Q. Did you see him intermediate the adjournment of that caucus and the convening of the two houses in joint session the next day?—A. No, sir.

Q. Did you not say to several gentlemen, just before the two houses went into joint session on Friday morning, that you were still for Horton?—A. I did not.

Q. Were you for Horton when that caucus adjourned at three o'clock in the morning?—A. If I were for Horton—

Q. I asked if you were in favor of Horton at the time that caucus adjourned, at three o'clock in the morning?—A. Not very heartily.

Q. Were you for Horton at all?—A. I did not like the choice of the caucus very well.

Q. You helped to make it, did you not?—A. I voted for him once.

Q. Did you not have a little jollification there at the Tefft House, in which you threw up your hat and hurrahed for Horton?—A. I did not throw up my hat.

Q. Did you hurrah for Horton?—A. I think not.

Q. Did you declare yourself to the members of that caucus, as soon as it broke up, that you were against Horton and should not vote for him?—A. No, sir; I did not say anything about it.

Q. Did you see W. H. Pilkington at that anti-Ingalls caucus?—A. Yes.

Q. Is this the gentleman? (Indicating.)—A. Yes, sir.

Q. Did you not say to him there, about the time the caucus adjourned, that no man could afford to vote for John James Ingalls on the record he had, but that a man could afford to vote for Albert H. Horton?—A. I do not think I did.

Q. Will you say whether you did say so or did not?—A. I say I did not. I have no recollection of saying it. I say I did not.

Q. Do you know George L. White?—A. Yes, sir.

Q. Did you make substantially that statement to George L. White there at the caucus?—A. I think not.

Q. Counsel for the respondent asked you some question in regard to whether you had or had not received any money or other thing of value as an inducement or consideration for your vote for Senator Ingalls, to which question you answered, and I do not care to ask you particularly questions upon that matter, but it is suggested to me to ask some others. I want to know what your financial condition was when you came to Topeka?—A. Well, it was not very good or very bad.

Q. Do you not own a farm out a short distance from Belleville, the county seat of your county?—A. I do.

Q. State whether or not there was a mortgage debt upon that farm at that time?—A. Yes, sir; there was.

Q. To about what amount?—A. \$650.

Q. Which debt bore interest?—A. Yes, sir.

Q. State whether or not it was past due at the time you came here to Topeka?—A. It was not.

Q. Does that mortgage debt remain unpaid, or has it since been paid?—A. It has not been paid.

Q. Does that mortgage remain still unsatisfied on the records of your county?—A. Yes, sir.

Q. Do you know C. W. McDonald, of Concordia?—A. Yes, sir.

Q. He is an attorney at law?—A. He is.

Q. Was he not the attorney of the creditor to whom that mortgage was made payable?—A. No, sir.

Q. State whether any part of that \$650 debt has been paid?—A. No, sir; not a cent.

Q. Was there more than one mortgage on that place?—A. None but one; one at a time.

Q. That suggests to me to inquire whether the same mortgage is now in force and unsatisfied that was upon the place when you came here last January?—A. Yes, sir; the same mortgage.

Q. You heard Mr. Pilkington's testimony to day, did you not?—A. Yes.

Q. Were you indebted in the two sums of \$300 each which he mentioned?—A. One was near \$300, and one was \$200.

Q. Were those claims or debts unpaid when you came here to Topeka?—A. Part of them.

Q. I mean the two amounts mentioned by him or now mentioned by you?—A. No; not to the amount of \$500. \$100 had been paid on the \$300 claim.

Q. How much remained unpaid on both?—A. About \$400.

Q. At that time?—A. Yes, sir.

Q. Has that \$400 indebtedness since been paid?—A. Yes, sir.

Q. When was it paid?—A. The last of it was paid about the 15th of April.

Q. When was the first of it paid?—A. Some time last fall, before the legislature met.

Q. The question that I asked you was how much of it was unpaid at the time you came here in January as a member of the legislature?—A. \$400.

Q. \$400 was then unpaid?—A. Yes, sir.

Q. When was that \$400 paid?—A. I say the last of it on the 15th of April.

Q. When was the other portion of it paid?—A. Some of it was paid in January.

Q. What time in January?—A. Toward the latter part.

Q. A remittance made by you while you were here in Topeka?—A. No, sir.

Q. Was the whole of that \$400 indebtedness paid between the time the legislature met and the 15th day of April?—A. Yes.

Q. Was it paid by you?—A. Yes.

Q. Was not C. W. McDonald the attorney of some creditor of yours, the Austin Corbin Banking Company?—A. Yes, sir.

Q. Were you not indebted to that company?—A. I was.

Q. Has that indebtedness been paid?—A. Yes, sir; that indebtedness has been paid.

Q. What was its amount?—A. \$700.

Q. To whom did you make that payment?—A. I made that payment to C. W. McDonald.

Q. That \$700 is in addition to the \$400 you said had been paid on the claims mentioned by Mr. Pilkington, and paid intermediate the convening of the legislature and the 15th of April?—A. No; that was paid last October, that McDonald matter, all of it.

Q. Did you not owe the Austin Corbin Banking Company any money when you came here to Topeka at the session of the legislature?—A. No, sir; I did not. They claimed nothing at that time. They claim to have found something since that I owed them. They claimed nothing at that time. I had had a settlement with them and paid them all I owed them.

Q. Have you not paid any money to McDonald for that company since the adjournment of the legislature?—A. No, sir.

Q. Have you paid any money or remitted any money to any person for that company since the adjournment of the legislature?—A. Yes, sir.

Q. How much?—A. I paid \$200.

Q. To whom?—A. To Aaron E. Taylor, an attorney at Belleville. Let me correct that statement. The claim was \$200; I paid him \$160 and owe him \$40 yet.

Q. That \$160 is in addition to the \$400 you mentioned before?—A. Yes, sir.

Q. Did you not erect a building in the county town of your county?—
A. Yes, sir.

Q. What did that building cost?—A. It cost \$400.

Q. State whether or not it is paid for as far as you are concerned?—
A. It is not.

Q. How much of it is paid for?—A. Half of it, a little more than half.

Q. How much more?—A. I cannot give exact dollars and cents, but probably two-thirds of the amount is paid.

Q. Two-thirds of the \$400?—A. Yes.

Q. State whether you were owing any other sums of money at the time you came here to Topeka as a member of the legislature last January, that have been since paid, besides those already designated?—A. I paid my personal property tax.

Q. How much was that?—A. It was about \$40.

Q. Any other debts or liabilities?—A. State the question again, the way you want it.

Q. I ask whether you have paid any debts or liabilities that were existing at the time you came here as a member of the legislature in January last, other than those already designated?—A. No, I have not.

Q. Four hundred dollars on what we may call the Pilkington claims?—
A. Yes.

Q. One hundred and sixty dollars to A. E. Taylor on the Austin Corbin Banking Company claim?—A. Yes.

Q. Two hundred and sixty-six dollars on your building?—A. Yes.

Q. Forty dollars personal property tax?—A. Yes.

Q. State how much your per diem and mileage amounted to as a member of the legislature at its last session?—A. The per diem was \$150, and the mileage I do not remember what it was.

Q. How many miles do you claim from your place here by the usually traveled route?—A. One hundred and sixty.

Q. Thirty cents a mile was the mileage, fifteen cents each way? Then your per diem and mileage for the session of the legislature amounted to about \$200?—A. Yes. It may have been a little more. I do not know the mileage. I do not know whether it was exactly 160 miles.

Q. If it was 160 miles it would be exactly \$45. Now the aggregate payments as you have stated them yourself are \$465. \$200 off leaves \$666. Tell us how you got the money to pay that \$565?—A. Well, sir, I got it from different sources.

Q. Tell us your sources.—A. I borrowed part of it.

Q. How much did you borrow?—A. I have borrowed in that time, which remains unpaid now, \$490.

Q. From whom did you borrow any money? I do not care to have you look at the paper in your hand, but look at me.—A. I will.

Q. Whom did you borrow any money from?—A. I borrowed \$200 of Mr. Faulkner.

Q. Who is Mr. Faulkner?—A. A citizen of Republic County.

Q. When did you borrow it of him?—A. Between what dates do you want?

Q. When did you borrow it?—A. I am not certain whether I borrowed the \$200 from Faulkner before the Senatorial election or not. I do not remember the date of the note. It will be due—

Q. I do not ask when it is due, but when did you borrow the money?—
A. I borrowed it last fall; I cannot give the month.

Q. Then you had expended it before you came here in January?—A. No, sir; not all of it.

Q. How much of it? A. I do not know.

Q. Did you borrow it before you paid the \$700 to McDonald for the Austin Corbin Banking Company ?—A. No, sir ; I think not.

Q. Do you know whether you did or not ?—A. I think not.

Q. Where was Faulkner when you borrowed the money ?—A. Faulkner was in Belleville.

Q. Did you give him a note ?—A. Yes, sir.

Q. And mortgage ?—A. No, sir.

Q. Who drew the note ?—A. I did.

Q. Whom else did you borrow any money from ?—A. I borrowed \$200 of Mr. Ireland.

Q. Where does he live ?—A. He lives a mile from me—one of my neighbors.

Q. What is his business ?—A. He is a farmer.

Q. What is Faulkner's business ?—A. He is a farmer.

Q. Is either of these men any relation of yours by blood or marriage ?

—A. Not that I know of.

Q. How much did you borrow from Ireland ?—A. \$200.

Q. When ?—A. In July, I think it was.

Q. What year ?—A. This year.

Q. Whom else did you borrow any money from ?—A. Dr. Taylor.

Q. Who is he ?—A. He is a physician.

Q. Residing where ?—A. At Belleville.

Q. How much did you borrow from Dr. Taylor ?—A. \$55.

Q. When ?—A. About three months ago.

Q. Did you give Ireland a note for the \$200 ?—A. Yes, sir.

Q. And Taylor a note for the \$55 ?—A. Yes, sir.

Q. Who wrote the notes ?—A. I wrote them.

Q. Whom else did you borrow any money from ?—A. I borrowed some money of the bank at Concordia.

Q. How much ?—A. I borrowed \$150 ; \$125 of it has been paid ; \$25 remain due.

Q. When did you borrow that money ?—A. The 24th of June last.

Q. Did you borrow it on your own note ?—A. I had security.

Q. Who indorsed it for you ?—A. James Mosier and Chauncey Ferry.

Q. In the anti-Ingalls caucus you voted for Horton ?—A. Yes, sir.

Q. That caucus adjourned at three o'clock in the morning ?—A. Yes, sir.

Q. About twelve o'clock of that day you took your seat as a member of the joint convention and voted for Ingalls ?—A. I did.

Q. What made you change ?—A. Well, I thought that Mr. Ingalls would make us as good a Senator if not better than Mr. Horton.

Q. What induced you to think that ?—A. I had thought that all along.

Q. Why did you not say that, then, in the anti-Ingalls caucus ?—A. I stated that I was there as a friend of Mr. Phillips and was working in his interest and to secure his nomination. There was considerable excitement, and the boys were all working together at that time, and the next morning I thought we had done a foolish thing.

Q. When did you first discover that and announce it ?—A. In the forenoon of that day.

Q. What time in the day ?—A. Between nine and ten o'clock.

Q. Where were you when you discovered it ?—A. I was here in Topeka.

Q. In what room or house or place ?—A. No particular place.

Q. Who helped you make the discovery ?—A. Not anybody.

Q. How came you to make the discovery ?—A. I have stated that I was not a strong anti-Ingalls man all the time, that Mr. Phillips was my first choice, and after the selection of Mr. Horton I made up my mind that I would not abide the decision of the caucus, that a majority of my constituents would prefer Mr. Ingalls if they could not get Mr. Phillips, and I acted accordingly.

Q. How long have you known Albert H. Horton ?—A. I have known him by sight for seven years, perhaps.

Q. How long have you known John J. Ingalls ?—A. About the same length of time.

Q. Which did you know most intimately ?—A. There was not much difference. I was not intimately acquainted with either of them.

Q. Then you knew both men just as well when the Horton caucus adjourned as you knew them next morning, did you not ?—A. Personally.

Q. Did you have an interview with Ingalls that morning ?—A. I think I met him that morning.

Q. You say you did not meet Horton ; so I do not include him in my question. Do you know James S. Merritt ?—A. Yes, sir.

Q. Did you see Merritt that morning ?—A. I do not remember ; I presume I did.

Q. I should like to have you remember whether you did or not ?—A. I saw him nearly every day. I presume I saw him that day.

Q. It is not a question of presumption ; it is a question of recollection ?—A. I do not recollect.

Q. Where did you see Ingalls ?—A. I saw him at the Tefft House.

Q. Whereabouts at the Tefft House ?—A. It was on the second floor: in his room, I guess.

Q. What time of day ?—A. Probably ten o'clock.

Q. Did you have any conversation with him ?—A. Yes.

Q. Repeat it.—A. I will repeat it as near as I can. I told him I was going to the convention and was going to vote for him.

Q. Now go on. What else ?—A. He said he was glad of it.

Q. What else was said ?—A. We had but a few words. I do not remember anything further. He was in a hurry ; there were a good many calling.

Q. Who went into his room that morning with you, if any one ?—A. Not anybody that I know of.

Q. Did you leave room 21 and go into his room when you went in there ? If you do not know whose room 21 was, I will tell you that it is the room right across the hall to the west.—A. I went up stairs directly to Mr. Ingalls's room, I think.

Q. Do you know J. S. Danford ?—A. Yes, sir.

Q. Did you see him that morning ?—A. I did not see him. I did not know Mr. Danford at that time.

Q. When did you make his acquaintance ?—A. I saw him to-day to know him. A gentleman pointed him out to-day for the first time.

Q. That is the first you have known him by sight, is it ?—A. It is.

Q. Did you know C. M. Foulkes ?—A. No, sir.

Q. Do you know J. V. Admire ?—A. No.

Q. Do you know Joseph C. Wilson ?—A. Yes, sir.

Q. Did you see Wilson that morning ?—A. I presume I did.

Q. That is another guess. I do not ask for presumptions, but recollection ?—A. I do not recollect whether I saw him or not.

Q. Do you know D. W. Acker ?—A. Yes, sir.

Q. Did you see him that morning ?—A. Yes.

Q. Where ?—A. I saw him up at the State-house.

Q. Whereabouts?—A. In the senate chamber.

Q. Before the two houses went into joint convention?—A. Yes, sir.

Q. Did you see him afterwards?—A. Not to have any conversation with him. I saw him about his duties there.

Q. Did he come to you after you went into the house of representatives?—A. No, sir.

Q. Did he come anywhere near you, to your knowledge?—A. I did not notice him.

Q. Is it not the fact that he came into the house of representatives and called you out either by word or by motion?—A. No, sir; it is not the fact.

Q. And you followed him out?—A. It is not the fact.

Q. Is it not the fact that after the senate had gone into the house for the purpose of organizing, you left the house, and went out again?—A. It is not the fact. I did not do it.

Q. Is it not the fact that you left your seat and went off into one corner of the room?—A. No, sir; I took my seat and kept it all the time after getting in there.

Q. After you went into the senate that morning, and before the senate as a senate went into the hall of the house, did you not leave your seat in the senate and go out?—A. No, sir.

Q. Did not Mr. Acker call you out of the senate chamber?—A. No, sir.

Q. Did any other gentleman call you out of the senate chamber?—A. No, sir.

By Senator VANCE:

Q. Mr. Savage, in that Thursday night caucus that nominated Mr. Horton, was there any pledge, expressed or implied, that all members who participated in it were to abide by its action in good faith?—A. The roll was called to see who would vote for Horton, I think.

Q. Was there any pledge that all who went into that caucus would abide by its action?—A. It was so understood.

By Mr. WEBB:

Q. You say the roll was called; that is, the roll of members in that caucus was called by the clerk of the caucus?—A. Yes, sir.

Q. It was called to see how many of those present would vote for Horton?—A. Yes, sir.

Q. Did you vote on that roll-call?—A. I think I did.

Q. And your vote then at that time was that you would vote for Horton and stand by his nomination?—A. I think so.

Re-examined by Mr. EVEREST:

Q. You say that you paid \$40 personal property tax. You had property assessed to authorize a tax of that amount?—A. Yes.

Q. You have been some time in business in Republic County?—A. Yes, sir.

Q. You have held other official trusts there; have you not?—A. Yes, sir.

Q. What is your business now?—A. Farming.

Q. What positions had you held before?—A. I had been county treasurer two terms.

Q. What other business had you been in there besides farming?—A. Negotiating loans.

Q. You had been a loan and land agent there also?—A. Yes, sir.

Q. When you say you were somewhat embarrassed, do you wish to be understood that you had no property at your command?—A. No, sir.

Q. What did you mean by stating to the committee any embarrassment? State fully.—A. I was owing some debts that they were crowding me for. I was paying as fast as possible. I had some resources.

Q. In the way of property?—A. Yes, sir; and have yet.

Q. State whether you ever were opposed personally to the election of Senator Ingalls?—A. No.

Q. Did you not know at the time you voted for Senator Ingalls in the joint convention that you were representing the wishes of the majority of the people of your senatorial district?—A. Yes, sir.

Q. You did not pay your real-estate tax?—A. I have not yet.

Recross-examined by Mr. WEBB:

Q. Do you know Johnson Beaty, a member of the house of representatives from the county of Brown?—A. No, sir.

Q. Who sat by you in the Horton caucus?—A. We were not seated all the time.

Q. You were not; but who was sitting by you when you were sitting?—A. I do not remember. We were moving about in the hall very promiscuously.

Q. Did you sit by Mr. Bissell in that caucus?—A. I may have done so, but I do not recollect.

Q. Did you not see Mr. Bissell just in front of the Tefft House a few minutes before you went up to the capitol the morning on which the final vote was taken?—A. I may have seen him.

Q. Do you remember it?—A. No, I do not.

Q. Do you know Johnson Beaty, a member from Brown County?—A. No, I never had any acquaintance with him at all. I would not know the man if I saw him.

Q. Did any man meet you in front of the Tefft House about ten o'clock in the morning, and ask you, referring to the election then about to take place, "How are we going to make it; are we going to elect Horton?"—A. No, sir.

Q. Did not some member of the legislature ask you such a question, to which you replied, "I think we will elect Horton; we have got about 92 votes for him"?—A. No, sir; I had no such conversation.

Q. With anybody?—A. No, I did not have with anybody.

GEORGE L. WHITE, a witness called by the memorialists, sworn and examined.

By Mr. WEBB:

Question. Were you one of the members of the house of representatives from the county of Republic?—Answer. I was.

Q. You have two members from that county?—A. Yes, sir.

Q. Were you elected on a party ticket; and, if you were, upon what ticket?—A. I was nominated and elected by the Republican party.

Q. That is the same county in which Senator Savage resides?—A. Yes, sir.

Q. Are you acquainted pretty well with the Republicans of your district who nominated and elected you for the house?—A. Very well acquainted with them.

Q. State, if you can, what the general sentiment of the Republicans of your district was with respect to Senator Ingalls? Were they or were they not favorable to his re-election?—A. Well, I was elected with the understanding that I would vote for Colonel Phillips, and there was not anything said to me in regard to Senator Ingalls. I believe there was not a man spoke to me and asked me to vote for him.

Q. Did you know how it was in the other district in your county?—
A. I was not so well posted in the upper district. I had no occasion to talk to them as much as I had in my district.

Q. Does Senator Savage live in your district or in the other district?—
A. The other district, the northern district. I am in the southern district of the county.

Q. Who was the other member from your county?—A. William Moore.

Q. Are you acquainted with Senator Ingalls?—A. I have had no acquaintance with him. I got an introduction to him after I came here; I believe I called in once to see him, or once or twice.

Q. Were you acquainted with Mr. Phillips before you came here?—
A. Yes, sir; I have been acquainted with Mr. Phillips several years.

Q. Were you acquainted with Governor Anthony before you came here?—A. Yes, sir.

Q. With Judge Horton?—A. No, sir; not personally. I knew the gentleman when I saw him, but was not personally acquainted with him.

Q. State whether you were in the caucus known as the anti-Ingalls caucus on Thursday night?—A. I was in that caucus. I am not certain about its being Thursday night.

Q. The caucus that nominated Judge Horton?—A. Yes, sir.

Q. Do you remember seeing Senator Savage there?—A. I do.

Q. State what part he took there other than voting, if any?—A. Well, I did not have a great deal of conversation with Mr. Savage in there. We voted together for Phillips, afterwards went together to Ben. Simpson, and then we voted together for Horton; but I did not have very much conversation with him. He recommended Mr. Horton to me as being a good man.

Q. What did he say to you?—A. That was about all; he merely recommended him. I have very little recollection of the language of what he did say, but he gave me to understand that Horton was a good man. I asked him, as I was a little uncertain whom to vote for after Phillips was gone, and Ben. Simpson my next choice; but on the recommendation of Mr. Savage I voted for Judge Horton.

Q. State whether you had any conversation with any person at any time while you were here at Topeka, concerning any money or other consideration for votes?—A. Yes, sir; I had.

Q. State when and where that conversation commenced.—A. I did not have any conversation with Mr. Ingalls in regard to it.

Q. I did not say "Mr. Ingalls;" I said "any person."—A. On the day of Mr. Ingalls's election by the house, on the 31st of January last, I believe, about ten o'clock, I stepped into the Tefft House; I was looking for a friend from Ohio who was looking for me. James Merritt asked me if I would not go to a certain room, room 120, Tefft House—a friend of mine from Ohio wished to see me. I think that was his language. I thought I had struck my man. He had just come from Ohio, and I was anxious to see him.

Q. You went into the Tefft House looking for a friend of yours from Ohio?—A. Yes, sir.

Q. You were addressed there by some one in the Tefft House?—A. James Merritt.

Q. James S. Merritt spoke to you?—A. He did.

Q. What did he say?—A. He said a friend of mine from Ohio upstairs wished to see me. At any rate he gave me to understand it was this friend's room I was going to.

Q. I am only asking now what he said.—A. That was the language, I think.

Q. Where did Merritt address you; in the office of the Tefft House?—A. In the office, near the register. I was going to the register at the time he spoke to me.

Q. He designated the room where the friend was that wished to see you?—A. Yes, sir.

Q. Do you remember the number of that room?—A. It was 120, if I recollect aright. That is my recollection.

Q. Did you go to that room 120?—A. I went to room 120.

Q. Whom did you find in that room, if any one?—A. I found a strange gentleman to me, and Mr. J. S. Danford.

Q. Mr. J. S. Danford and a man whom you did not know?—A. Yes, sir; I knew him when I saw him. That is, I understood he was a railroad man; some one had said so to me when I was making inquiry, but I did not know his name.

Q. Would you know his name if you should hear it?—A. I should at that time, but I do not know now that I should.

Q. Was it a man called Colonel Dawes, Colonel A. C. Dawes?—A. I think that is it. That is my impression.

Q. You may state if any other person was in the room besides Mr. Danford and this man Dawes.—A. If there was I did not see him.

Q. Did Mr. James S. Merritt go with you to the room?—A. He did not.

Q. When you got into the room, who commenced conversation, and what was said?—A. To state exactly the first words, I said I was mistaken, that I wanted to find Mr. De Long's room. He said "I am the gentleman who wanted to see you."

Q. Who said so?—A. Mr. Danford. The other gentleman left when I went in.

Q. The railroad man left?—A. Yes, sir; he left the room immediately. I think he was lying on the bed. He got right up and left the room, and passed out by me before I closed the door. Mr. Danford then went to the door, closed it and locked it.

Q. Very well. What did Mr. Danford say to you?—A. Mr. Danford asked me in regard to the Senatorial election, what I knew about it. That is my recollection of it now. I told him Mr. Horton would be elected undoubtedly, and, being under the impression that he wanted to gamble a little on it, I told him to bet on Horton. I did not think about anything else. I thought that was the reason he wanted to ascertain what I knew about it. That was my impression at the time, and was the reason I answered him in that way.

Q. You told him to bet on Horton?—A. Yes, sir.

Q. Then what?—A. He said he did not want to bet on Horton, that he was interested in Ingalls—that was about his language—and wanted to see Ingalls elected. I told him I calculated to vote for Horton; told him that several times while I was in the room. I still stuck to it that I should vote for Horton. He said "bosh," that I should help him out, that he was interested in Ingalls, and he wanted me, as an old Ohio friend, to stand by him and help elect him. I refused. Before this I told him he had better not pay any more attention to Ingalls, because he would be beat and lose his money, or something of that kind. Then he said to me he was interested in Ingalls and wanted to elect Ingalls. When I made that remark he said he would not lose any money, that it was Mr. Ingalls's money that he had handed him or given him—I am not cer-

tain which he said in regard to that—\$5,000, and he would not lose anything. That was about the understand he gave me about it.

Q. Danford said that Ingalls had handed him or given him \$5,000?—A. Yes; that morning, I think he said.

Q. Well?—A. I refused and started to go, and he got up and took me by the hand and rather coaxed me; said several things I cannot recollect, but coaxed me to vote, and when I was going to leave he said he would give me \$500, and when I would return after voting would give me anything I wanted.

Q. To do what?—A. To vote for Ingalls; anything that I wished.

Q. What else?—A. I got away from him as quick as possible. I believe I said to him that if I wanted to do such a thing as that I had not the nerve to do it. I had not the nerve to go back on by friends, and had not the nerve to sell my vote. I think that was my language. I believe that was about all that amounted to anything in regard to it. I passed out. He unlocked the door himself and I passed out. That was all. I did not see any other person. Mr. Clark, of Montgomery, was walking in front of the door. I did not see any other person about, and I walked right down stairs.

Q. Before you left the room was anything said by either of you about giving away?—A. That is the fact.

Q. State what was said.—A. When I was going to leave he said he did not want me to say anything so as to give him away. I am not positive now whether Mr. Ingalls's name was connected with that, but he did say so in regard to himself.

Q. State again definitely how much money he said he had received that morning.—A. He said it was \$5,000.

Q. Did he say from whom he received it, or who gave it to him?—A. He said Mr. Ingalls had given him or handed him \$5,000, I do not know which, and he was going to spend it. That was the language.

Q. On Ingalls's election?—A. He did not say "on Ingalls's election." He said he was going to spend it. That was his language.

Q. What did he say to you he would give you \$500 for?—A. For voting for Mr. Ingalls.

Q. And after you had voted for Mr. Ingalls, what then?—A. To come back then and I could have whatever I wanted; that I knew him and he would stand good for whatever he said; no odds what it was, he would give it when I returned after voting for Mr. Ingalls.

Q. Just as you were going out of the door was anything said about money by him to you?—A. It was just about the time I was going to leave that this \$500 came up.

Q. Was anything said to you as to whether you would or would not make an exposure on the floor of the house?—A. He asked me not to blow him or give him away, and I understood it that he meant to not go on the floor of the house and give him away by blowing. That was the understanding that I had about it, that he did not want me to give him away. I promised not to do it.

Q. You say as you went out there was some person there?—A. Clark, of Montgomery, was in front of the door walking back and forth.

Q. You mean a member of the house by the name of Clark, one of the representatives of Montgomery County?—A. Yes, sir.

Q. You say he was walking in front of the door. Was any other member of the legislature there?—A. Yes. As I opened the door there was some gentleman close by the door, and who stepped right in as I stepped out.

Q. Did you know who that man was?—A. I did not recognize him.

I recognized Clark, of Montgomery, as being a member of the house. I took a good look at him, and saw it was he. He was walking in front of the door. The one that passed in went in so quick that I could not recognize him. I recognized him as one of the members of the caucus the night before. I had seen his face, but I did not know his name.

Q. The man who went in was a member of the anti-Ingalls caucus?—A. Yes, sir.

Q. Where did Clark, of Montgomery, go, or did he stay out?—A. He did not remain long, for I went down stairs and remained a few minutes; went up the street, and Clark, of Montgomery, overtook me before I got to the State-house.

Q. Did you see that other member of the house who slipped into Danford's room as you came out that day?—A. I did not. I tried to look him up afterwards, but I was not quite sure that I could. I did not recognize him after he came back. The man that I thought it was who went in had changed his clothes, if it was he; that is, he had on light clothes at the time he passed in, and when he came back the one that I thought it was had dark clothes, so that I could not tell exactly whether it was he or not.

Q. Do you know for whom Clark, of Montgomery, voted for United States Senator?—A. My impression is in fact that he voted for John James Ingalls.

Q. On the last ballot?—A. On the last ballot.

Q. You said that you went into the Tefft House and were about to go to the register for the purpose of seeing if the name of your friend from Ohio was there. Who was that?—A. A man by the name of De Long. He was once Minister to Hayti.

Q. Was he in the city at that time?—A. Yes, sir; he called at my room when I was out, and my wife told me that De Long had called to see me.

Q. When did he come to Topeka?—A. The train just before that. He found I was in Topeka, and came to my room in another building above the Tefft House, up the street, and he found my wife there, and when I came in a few minutes afterwards and learned he had called I hurriedly went to the Tefft House before the meeting of the legislature, to find him. She said he was going away at one o'clock.

Q. Did you find him?—A. I did not find him. This other matter bothered me a little.

Q. When Mr. Merritt told you there was a friend of yours wanted to see you up stairs in room 120, you went up there expecting to find Mr. De Long?—A. That is correct. I went there with that expectation; that I would find Mr. De Long.

Q. What did Mr. Danford say to you?—A. He said "I am the man who sent for you."

Cross-examined by Mr. EVEREST:

Q. How long have you known James S. Merritt?—A. Jim and I served a term in the legislature, when I got acquainted with him; I think the winter of 1876.

Q. Were you well acquainted with him at that time?—A. Pretty well acquainted. I sat close to him in the house.

Q. Were you acquainted with Mr. Dawes?—A. No, sir; I was not acquainted with Mr. Dawes.

Q. You were introduced to him when you went into the room, were you not?—A. I think so.

Q. What name was he introduced to you by?—A. I think it was Mr. Dawes. That is my impression.

Q. He got up and went out?—A. Went right out as he came forward to speak to me.

Q. You say Mr. Ingalls was not present on this occasion?—A. No, he was not.

Q. You had no talk with him about this matter?—A. I had a talk with Mr. Ingalls.

Q. About this matter that you have testified to?—A. No, sir.

Q. For whom did you vote as a matter of fact?—A. I voted for Horton.

Q. Did you say that you had seen Mr. Clark, of Montgomery, in the anti-Ingalls caucus?—A. O no, sir.

Q. What gentleman did you say you had seen in the anti-Ingalls caucus?—A. I do not know that I recognized him. That was the gentleman who passed in the door. I thought I recognized him as being a member of that caucus and I tried to look him up afterwards. Some person asked me who he was. I looked over the house and I was not certain which it was; I could not tell.

Q. How long had you been then a member of the house?—A. I was elected in November.

Q. I mean how long had you been a sitting member in the legislature?—A. From the 9th to the 31st of January. That is my impression.

Q. Do you say that the gentleman you recognized was a member of the house?—A. Yes, sir; I thought so.

Q. And you had sat in the house with him from the 9th to the 31st of January, and you recognized him when he passed in as being a member of the house that had been in the anti-Ingalls caucus?—A. That was my impression.

Q. And you say after that time you failed to recognize him at all?—A. Yes.

Q. You never did recognize him?—A. Not certainly.

Q. Then you were in the legislature how many days afterwards?—A. We staid there until some time in March; I think about the 10th. I paid no attention to it afterwards. I only looked over the house once to see, and did not think of it afterwards.

Q. When you went to the room two gentlemen were in it?—A. Yes, sir.

Q. Mr. Danford you were well acquainted with?—A. Yes, sir; I was acquainted with Danford.

Q. Was it the first time you had seen him during that session of the legislature up to this time?—A. No, I had seen him every day I think; several times at any rate.

Q. When you went in you told him emphatically that you were for Horton?—A. Yes.

Q. You told him all the time you were for Horton?—A. Yes; I told him I could not do anything else.

Q. You told him you preferred Horton, and were going to vote for Horton?—A. I told him I was in the Horton caucus.

Q. You told him to bet on Horton?—A. In the first place.

Q. After you had made that public avowal, he spoke about giving you \$500 to vote for Ingalls?—A. Yes, sir.

Q. And told you that Ingalls had given him \$5,000?—A. It was before that he told me that.

Q. Before you told him whom you were going to vote for?—A. No, before he offered me \$500; that was when I told him not to fool away his money; he said it was.—

Q. After your emphatic statement that you were for Horton, and after

you told him to bet on Horton, as Horton was going to be elected, then he told you Ingalls had given him \$5,000 and offered you \$500?—A. Yes, sir.

Q. No money was exhibited to you or shown you?—A. Not a cent.

Q. Do you say that Clark, of Montgomery, voted for Ingalls on the last ballot?—A. That is my impression.

Q. Is it not a matter of fact that Mr. Clark, of Montgomery, was an Ingalls man throughout?—A. That is my impression; I did not pretend to hold out any idea that he was not.

Q. You do not mean to convey to this committee the impression that his going into the room on that occasion changed his vote?—A. He did not go into the room.

Q. Or his walking in front of it?—A. I merely spoke of whom I had seen.

Q. Was he not an avowed Ingalls man all the time?—A. I think so.

Re-examined by Mr. WEBB.

Q. You said that Clark, of Montgomery, was walking in front of the door when you came out; was he not the sentinel or sentry on duty there, guarding the Ingalls camp?—A. Of course I cannot tell what he was there for.

Q. The fact is, he was marching back and forth like a sentinel on duty?—A. He was walking back and forth; I could not tell what the man was there for.

Q. No question but what he was an Ingalls man?—A. I do not know what he was doing there.

Q. Counsel asked you if it was true that after you had told Danford repeatedly that you were for Horton, and had told him to bet on Horton, he offered you \$500, and you said "yes"?—A. Yes, sir.

Q. If you had told him you were for Ingalls, he would not probably have offered you \$500 to vote for Ingalls?—A. I do not know what he would have done; he probably would not have been as kind as that, of course.

The committee adjourned until to-morrow at half past 9 o'clock a. m.

THURSDAY, October 2, 1879.

The committee met pursuant to adjournment, all the members being present; also the counsel for the memorialists, and the respondent with his counsel.

CALVIN HOOD, a witness called by the respondent, sworn and examined.

By Mr. EVEREST:

Question. State where you reside.—Answer. At Emporia, Kans.

Q. How long have you resided there?—A. Seven years.

Q. Were you at Topeka during the last Senatorial contest?—A. I was.

Q. Do you know George L. White, a member of the legislature, from Republic County?—A. I have seen him; but I have no acquaintance with him. I do not know that I should recognize him if I saw him now.

Q. Do you know the fact whether or not he was an acquaintance of J. S. Danford?—A. I have heard Mr. Danford speak of him as an acquaintance.

Q. As being an acquaintance of his in Ohio?—A. Yes, sir. I think I heard him call him "an old Ohio friend," or something of that kind.

Q. Did you know the room occupied by J. S. Danford at the Tefft House during that Senatorial contest?—A. I did.

Q. Do you recollect being in the room of J. S. Danford on the morning of the day that Mr. Ingalls was re-elected United States Senator?—A. I was in the room every day.

Q. Were you in Mr. Danford's room that morning?—A. I presume I was. I was in the room every day while I was here.

Q. Did you see George L. White there?—A. I did not see him. I heard him speak; that is, I mean a man that Mr. Danford afterwards said was Mr. White. I did not see the man.

Q. How long did he remain there?—A. I should think perhaps fifteen or twenty minutes.

Q. Did you hear what went on between them, if anything?—A. I heard some conversation, but I did not hear all of it.

Q. State what you heard.—A. I was lying on the back side of one of the beds. I was somewhat unwell, and lying on the back side of the bed, with my face to the wall, reading a newspaper, partially covered up by a sheet, I think; but not undressed. I heard a conversation between him and a man whom Mr. Danford afterwards said was Mr. White. I did not see the man, my back being to them. I heard Mr. Danford ask him to vote for Mr. Ingalls. They had some little conversation, but part of it I did not hear and part of it I did. I did not pay any attention to it particularly.

Q. In that conversation, did you hear anything said about Mr. Danford paying, or promising to pay, any money, or any other consideration, to induce Mr. White to vote for Senator Ingalls for United States Senator?—A. I did not hear any money matters mentioned at all.

Q. Are you the Calvin Hood who resides at Emporia?—A. I am.

Cross-examined by Mr. WEBB:

Q. You said you were here a portion of the time during the Senatorial contest. When did you first come here to Topeka last winter?—A. I do not remember the date. I think it was a day before, or one or two days before, the balloting for Senator commenced.

Q. How long did you stay here?—A. I staid until after the election.

Q. The final vote was taken on Friday morning. When did you leave Topeka?—A. I left here the next day.

Q. Saturday?—A. Yes, sir.

Q. On what train?—A. On the regular passenger train, I think, about two o'clock.

Q. Where did you board or stop while you were in Topeka?—A. At the Fifth Avenue Hotel.

Q. Danford's room that you speak of being in every day was at the Tefft House?—A. Yes, sir.

Q. What was its number?—A. I believe 120.

Q. What floor was it on?—A. On the third floor.

Q. How many beds were there in that room?—A. Two.

Q. Who occupied that room with Danford, do you know?—A. I do not know who did occupy the room. There were a great many goers and comers in the room, but I do not know who slept there.

Q. Whom did you see there at different times?—A. I saw a great many.

Q. Name them.—A. I saw Mr. Danford; I saw Mr. Merritt, Mr. Wilson, Mr. Peck, Mr. Foulkes, Mr. Gardiner, of El Dorado, Mr. Frazier, of

El Dorado, I think, and Senator Murdock, in and out. I do not know that I could name others.

Q. Whom else did you see there besides the gentlemen you have named?—A. I have seen Mr. Wood there, S. N. Wood.

Q. Any one else?—A. Yes, sir; a great many. But I do not know that I could recall their names.

Q. Danford is J. S. Danford?—A. Yes, sir.

Q. Merritt is J. S. Merritt?—A. Yes, sir.

Q. Wilson is J. C. Wilson?—A. I believe those to be his initials.

Q. Clerk of the United States district court?—A. Yes, sir.

Q. Peck is George R., being then United States district attorney for the district of Kansas?—A. Yes, sir.

Q. Who was Foulkes?—A. C. M. Foulkes is of Osage City.

Q. What is his business?—A. He was a dry-goods merchant at that time.

Q. How many times did you see him there?—A. I cannot say. I saw him there a number of times. I think that he roomed there.

Q. You think he and Danford occupied that room?—A. With others.

Q. You say you regard it as very probable that you were there on Friday morning, the morning of the last ballot. Do you not know that you were there then?—A. I was in the room every day I was here.

Q. Please answer the question just as I put it. Do you not know you were there on Friday morning, the morning the final vote was taken for United States Senator?—A. Yes, sir; I was in that room.

Q. What hour in the morning did you go there?—A. I think soon after breakfast hour.

Q. Is it not the fact that you were called up at the Fifth Avenue Hotel about four o'clock in the morning and went up to the Tefft House?—A. I was one day; I think it was that morning.

Q. Who came to the Fifth Avenue Hotel and called you up?—A. I think a porter from the Tefft House or from the Fifth Avenue; I cannot say which.

Q. That was after Horton had been nominated in the anti-Ingalls caucus?—A. I think it was.

Q. What hour in the morning was it that you were called up?—A. I cannot tell you; it was before daylight, however.

Q. You got up?—A. I did.

Q. And went to the Tefft House?—A. Yes, sir.

Q. And went to room 120?—A. Yes, sir.

Q. Whom did you find there then?—A. I found Mr. Danford; and I think Mr. Foulkes was there; I cannot say, because the door was open and they were going in and out continually.

Q. Name any other persons besides Danford and Foulkes that you saw there that morning, if you can.—A. I do not know that I can.

Q. Was David Auld there?—A. I do not remember seeing him there that morning.

Q. Did you not see him there that morning?—A. I saw him some time that morning, but not so early.

Q. Did you not see him in room 120 that morning?—A. I think I did some time in the morning.

Q. About what time in the morning?—A. I cannot say; I do not remember.

Q. Who is David Auld?—A. President of the First National Bank of Atchison.

Q. Was Mr. Auld there when you went there before daylight?—A. I think not.

Q. Did you return to the Fifth Avenue Hotel again, or did you remain at the Tefft House?—A. I think I remained at the Tefft House until about breakfast time; but I am not certain whether I went back to the Fifth Avenue to breakfast or not.

Q. You had breakfast, of course, that morning somewhere?—A. Either at the Tefft House or the Fifth Avenue.

Q. Did you see Auld before you had taken your breakfast, or not until afterwards?—A. I do not remember distinctly when I did see him.

Q. You saw him in room 120 that morning?—A. I think I did, but I cannot be positive about it.

Q. Did you see David Auld and J. S. Danford in that room together that morning?—A. I do not remember that I did.

Q. Do you remember that you did not?—A. No, sir; I do not remember that I did or did not. The room was open; I think the door was open.

Q. How long did you remain there in that room yourself?—A. I do not remember. I was not in there any length of time at any one time. I was in and out.

Q. How long were you there at any one time?—A. I cannot say.

Q. About how long; can you not remember how long any conversation was being carried on, or what else was being done?—A. I do not remember specially about it.

Q. Were there many persons passing in and out that forenoon?—A. Yes, sir; a good many.

Q. Did you stay there at the time the legislature met to go into joint convention?—A. No, I did not stay in the room, but I was about the house all the time.

Q. About what portion of the time did you stay in that room after you had your breakfast until the time the legislature met, say at 12 o'clock?—A. I cannot give any idea of what part of the time I did spend there.

Q. When you were in there what were you doing?—A. Nothing specially.

Q. What was your business here during that week or so that you were here?—A. I had no special business here.

Q. You were taking some interest in the Senatorial election?—A. Yes, sir; I took some interest in it.

Q. In favor of what candidate?—A. I was latterly in favor of Mr. Ingalls.

Q. For how many days before the issue was determined were you in favor of Mr. Ingalls?—A. I think after the first or second day of the balloting.

Q. Whom had you favored prior to that time?—A. Mr. Simpson was my choice.

Q. Had you favored him?—A. I had taken no active part at all.

Q. Then all the part that you did take, after you commenced taking any interest in it, was in favor of Mr. Ingalls?—A. On the start I had talked to some parties favoring Mr. Simpson. I was merely looking over the field and seeing what the chances were, but finally made up my mind that Mr. Ingalls was my choice, if I had any, and acted accordingly.

Q. I again ask you if all the active part that you took in the matter was not in favor of Mr. Ingalls?—A. Yes, sir; it was.

Q. You say you saw Mr. S. N. Wood there in room 120; when was that?—A. I cannot say what date. I saw him several times in that room, and several times in a room adjoining. He called in frequently.

Q. I did not ask you about any room adjoining, but I will. What number was that?—A. I do not remember the number; it is the room on the same floor adjoining the front room.

Q. To the east of room 120?—A. Yes, sir.

Q. Who occupied that room?—A. Senator Murdock; I believe it was his room.

Q. He was an Ingalls man, was he not?—A. Yes, sir; I so understood.

Q. Again, I should like to have you tell when it was that you saw Mr. Wood there. Did you see him there Friday morning?—A. I cannot say whether I did or not. Perhaps I did; but I cannot say what days I saw him.

Q. Was he in room 120 more than once?—A. I saw him nearly every day I was here.

Q. Did you see him in room 120 more than once?—A. I cannot say.

Q. Did you see him there when Mr. David Auld was there?—A. I cannot say whether I did or not.

Q. Did you not introduce Mr. Wood to David Auld?—A. I might have done so. I do not remember. I have no recollection about it that I did or did not.

Q. Do you not remember that Mr. Wood came there, and you introduced him to Mr. Auld, and that he turned around and went out of the room immediately?—A. I do not remember it. I might have done so; but I do not remember it.

Q. Can you not tell by this time how long you remained in that room 120 at any one time?—A. I think I remained there over night once.

Q. I have reference now to Friday morning between breakfast and twelve o'clock?—A. No, sir; I cannot.

Q. Were you there fifteen minutes at any one time?—A. I might have been, and very likely was.

Q. Were you there an hour at any one time?—A. I could not say; I might have been an hour.

Q. You say you saw that White was there. What time was that?—A. Some time in the forenoon.

Q. What hour in the forenoon?—A. I do not remember what time it was; I think perhaps between 9 and 10 o'clock, but I have no distinct recollection in regard to it. It was in the morning, however; sometime in the forenoon.

Q. Did he come there alone or in company with any one else?—A. I did not see him come in. I did not see who was in the room. I heard no other voices excepting Mr. Danford and another gentleman at the time.

Q. What were you doing at that time?—A. I was lying on the bed at the time this gentleman was there that Mr. Danford afterwards stated was Mr. White.

Q. Dressed?—A. Yes, sir; I was dressed. I might have had my boots off; I don't remember that.

Q. Partly covered up?—A. Partially covered up, I think.

Q. With your face to the wall?—A. My face to the wall. The bed was pulled out from the wall a couple of feet.

Q. And you were reading a newspaper?—A. Reading a newspaper.

Q. Did you lie there with the intent and design to hear and not be seen?—A. No, sir; the room was very public.

Q. Never mind that; answer the question.—A. Parties were going in and out. I did not know anything about any parties coming in.

Q. Did you intend to hear the conversation that took place between

Danford and any other person in that room, and not have the other person know you were there?—A. No, sir; I did not.

Q. Just tell what you did hear take place between Danford and the man he said was White?—A. I heard only a small part of the conversation. Part of it was, I think, in a low tone that I did not hear. I paid no attention to it—I was reading a newspaper—until I remember Mr. Danford urging him to vote for Mr. Ingalls and his raising some objections.

Q. What objections?—A. He said he could not support him, or something of the kind. I paid but very little attention to it. After he had gone out, and I think after Mr. Danford had gone out and come in again, I asked him who that gentleman was that he was trying to convert to Mr. Ingalls, and he said Mr. White, an old friend of his.

Q. You say that you were at that time in favor of Ingalls' re-election?—A. Yes, sir.

Q. Were you not very much interested in his re-election?—A. I became interested.

Q. Were you not very much interested at that particular time, Friday morning?—A. Yes, sir; I was.

Q. You heard Mr. Danford ask a man to support Ingalls, and he told him he could not do it?—Yes, sir.

Q. You heard him give his reasons?—A. I do not know that I heard any particular reasons. He said he could not support him.

Q. You were lying on the bed and did not take any interest in it?—A. I did not take any interest. I did not know who the man was, and did not hear anything specially said.

Q. Whether you knew the man or not, one vote was as good as another?—Yes, sir.

Q. It was votes you wanted for Mr. Ingalls?—A. Certainly.

Q. How long did you lie on that bed without getting up?—A. I do not remember. I was not on the bed very long.

Q. How long?—A. I might have been on the bed 15 or 20 minutes; perhaps half an hour; possibly an hour.

Q. How many persons came into the room while you were on the bed?—A. Several.

Q. Name them.—A. I do not remember who they were. I think Mr. Foulkes came in while I was there. I think Mr. Merritt passed in once or twice while I was lying there. I was quite indisposed and did not get up for a while.

Q. Was the door open all the time?—A. No, sir; it was open part of the time and closed part of the time.

Q. Locked part of the time?—A. I could not say whether it was or not.

Q. Then you do not know that when White came in there Danford locked the door?—A. No, sir; I do not.

Q. Who came in next after White?—A. I could not say who did.

Q. Did not some man come into the room just as White left it?—A. I could not say whether any one did or not.

Q. Do you know Mr. Rood, of Montgomery County?—A. No, sir; I may know him by sight, but I do not know him that I am aware of.

Q. Do you know Mr. Clark, representative from Montgomery County?—A. I think not.

Q. You know whether you know him or not?—A. I have heard the name of such a gentleman.

Q. Do you not know these men personally?—A. I do not know them personally. If they were pointed out to me, I might remember their faces; but I am not personally acquainted with either of them.

Q. Did you see Mr. Clark, of Montgomery, there that morning in the room?—A. Not that I know of.

Q. Did you hear any one there that you understood to be Mr. Rood, of Montgomery?—A. I did not.

Q. Did you see any man there that had light-gray clothes on?—A. I could not say.

Q. Then you did not see anybody?—A. I saw several at different times there, but when I was lying on the bed I did not see any one unless he came around to the side or foot of the bed.

Q. Was your position on the bed designed to be such that a person coming into the room and talking with Danford would not see you?—A. They could see me very readily if they took any particular notice.

Q. Then no person could be in that room in conversation with Mr. Danford without seeing you there and knowing that somebody was lying on the bed?—A. Not if they took any particular notice. My head and shoulders were not covered up at all. I had my arms out with a newspaper by my side while I was there at this particular time.

Q. Which bed were you in?—A. The bed on the east side of the room.

Q. Which way was the head of the bed, to the north or south?—A. South.

Q. Against the south wall or in the middle of the room?—A. The head of it was against the south wall, I think, and about perhaps a couple of feet or a foot from the east wall, so that a person could get to the bed from that side, and I think the door leading into the next room was partially open. There was a door right near the head of the bed into Mr. Murdock's room. It was open part of the time. I am not positive whether it was partially open all the time or not.

Q. Did you see a promissory note executed there that morning, or know that there was one executed for \$10,000?—A. No, sir.

Q. Was there not a promissory note there executed to you and to Danford that morning for \$10,000?—A. Not to my knowledge.

Q. Have you not seen a promissory note that was executed there that morning for \$10,000?—A. No, sir; and no other note of any size.

Q. Did Mr. Danford borrow any money of you there that morning, or contract to borrow any?—A. No, sir.

Q. Did not David Auld become security for \$5,000 there that morning, to your knowledge?—A. No, sir; not to my knowledge.

Q. Did you not see and understand from Mr. Danford that he did?—A. No, sir.

Q. Did anybody become security for money to Danford?—A. Not to my knowledge.

Q. You went from the Fifth Avenue Hotel up to the Tefft House about four o'clock in the morning. Did you stop at the Topeka Bank on your way up?—A. No, sir.

Q. Did you go to the Topeka Bank between that and daylight?—A. No, sir.

Q. Did you after daylight?—A. No, sir; I was not in the Topeka Bank at any time while I was in Topeka excepting during banking-hours.

Q. Were you in the Topeka Bank that morning after banking-hours?—A. I do not remember; I was in the Topeka Bank nearly every morning when I was here; some time during the morning stepped into the bank.

Q. Do you not know that there were \$10,000 taken out of the Topeka

Bank that Friday morning before daylight after Horton was nominated ?
—A. I do not.

Q. Did you not hear Danford say so ?—A. I did not.

Q. Did you not hear Byron Roberts say so ?—A. I did not hear any one say so.

Q. You say that the porter called you, you think. Do you know that it was the porter ?—A. No, sir ; I do not know. It was some one ; I think a colored man came to my room.

Q. What did he tell you ?—A. I think he said Mr. Danford or some one at the Tefft House had sent for me to go over immediately.

Q. Was any other name mentioned besides Mr. Danford's ?—A. I do I do not think there was.

Q. Did he not say that Ingalls wanted to see you ?—I do not think he did.

Q. You got up and went over there because Mr. Danford sent for you ?—A. Yes, sir.

Q. What conversation did you have with Danford when you arrived at the Tefft House ?—A. Well, I could not say any special conversation at all.

Q. You were called up in the morning at four o'clock, after Horton's nomination, left the Fifth Avenue Hotel, and went to the Tefft House and went to Danford's room, No. 120. That was before daylight and before you had had your breakfast. What was the object of your going there ?—A. I was informed, when I got there, that Mr. Horton had been nominated, and that every effort should be used to elect Mr. Ingalls ; there was no time to be lost ; it was not a time to be sleeping.

Q. Who gave you that information ?—A. I do not know who it was.

Q. Who were there when you got there ?—A. I cannot say ; there were several men in the room.

Q. Name some of them ?—A. I think Mr. Danford was there ; Mr. Foulkes, I think, was there.

Q. J. S. Merritt ?—A. I do not know whether he was there or not.

Q. J. C. Wilson ?—A. I think not at the time. I met them, however, either there or in Mr. Ingalls's room.

Q. Did you go into Mr. Ingalls's room that morning before daylight ?—A. I was in his public room ; I was not in his private room.

Q. Before daylight ?—A. I think so.

Q. Whom did you see there that morning ?—A. I cannot name all ; there was a large crowd there.

Q. Did you see Merritt there ?—A. I saw him there that morning.

Q. Did you see him in Mr. Ingalls's room ?—A. I saw him there in Mr. Ingalls's room or Danford's room ; I could not say which.

Q. Did you see Wilson either in Ingalls's room or Danford's room ?—A. I think I saw him that morning before daylight.

Q. Did you see David Auld that morning before daylight ?—A. I do not remember whether I did or not.

Q. You say you were informed that Mr. Horton had been nominated, and that men should not be sleeping, and it was time to work for Ingalls's election. Who told you that ?—A. I do not remember who it was.

Q. Where were you told that ?—A. It was the general talk of Mr. Ingalls's friends. I think it was either in room 120 or Mr. Ingalls's public room ; I could not say which.

Q. That every effort should be put forth to defeat Horton and elect Ingalls ?—A. Yes, sir.

Q. What was the kind of effort to be put forth—the character of the efforts ?—A. I do not know that any special line was marked out.

Q. What kind of efforts were supposed to be necessary to accomplish the desired result at that hour?—A. To change as many votes as possible.

Q. What was likely to change votes?—A. Well, sir, I cannot tell you unless influence.

Q. You are connected with some bank at Emporia, are you not?—A. Yes, sir.

Q. What is the name of the bank?—A. Emporia National.

Q. What is your relation to it?—A. Vice-president of it.

Q. Who is president?—A. Mr. Plumb.

Q. P. B. Plumb?—A. P. B. Plumb.

Q. One of the United States Senators from this State?—A. Yes, sir.

Q. You attended the Senatorial election here two years ago last winter in the interest of Mr. Plumb, did you not?—A. Yes, sir.

Q. You took an active part in that canvass?—A. Not very.

Q. You took a part in it?—A. I was here.

Q. Interested for Mr. Plumb?—A. I was interested in him.

Q. Do you not know that there were a great many candidates at that time?—A. Yes, sir.

Q. And caucuses?—A. Yes, sir.

Q. No party nomination was made by the Republican party?—A. I think not.

Q. Then last winter also it was a contest between individuals, was it not?—A. I believe it was.

Q. From your experience two years before, taking a part as you did then for Mr. Plumb, I ask if you did not know what it required to change, and what would change, votes just before the final ballot, and upon the final ballot?—A. I know that it required influence of some kind.

Q. What kind of influence was most potent?—A. That is owing to what kind of man you have to work on.

Q. Select your own man and give us the influences most potent with that man. Take one at a time?—A. I could not say. I do not know what it would take to change every man.

Q. Take T. O. Savage; what kind of argument would change his vote?—A. I am not acquainted with him.

Q. Did you not know him then?—A. I have seen him, and I think I have been introduced to him; but I would not recognize him now.

Q. Did you not know that he had been in the Horton caucus?—A. I did not.

Q. You know that he did vote finally for Ingalls, do you not?—A. I believe he did.

Q. Do you know what induced him to vote for Ingalls?—I do not.

Q. Can you not state exactly the size of the influence that changed his vote?—A. No, sir; I cannot.

Q. Take Rood of Montgomery; what influence changed his vote?—A. I cannot say.

Q. Do you know that he was in the Horton caucus?—A. I do not know it.

Q. You know that he voted for Ingalls, do you not, on the last ballot?—A. I could not say now without seeing the list?

Q. Then I will ask you if you do not know the particular nature of the influences brought to bear upon different members of the legislature; whether you did anything yourself to change the vote of any man?—A. I do not know that I did.

Q. Did you undertake to reason with some of those men that were

supposed to be Horton men at that hour, and convert them from Horton men to Ingalls men?—A. I do not think I talked with any member of the legislature during the day that Mr. Ingalls was elected.

Q. If you did not undertake to use any kind of argument of any nature or description when work was necessary after Horton's nomination, only a few hours before the final vote which was to determine the issue between Ingalls and Horton, what was it that you were called up for at four o'clock in the morning, to be taken from the Fifth Avenue Hotel to the Tefft House?—A. I do not know that there was any good reason why I should have been called up. I do not know that I did any good by being called up.

Q. The fact is you were called up?—A. Yes, sir.

Q. What was it for?—A. I was called up by some of my friends who wanted to consult with me, I suppose.

Q. Did they consult with you?—A. I was consulted with by some of them.

Q. By whom?—A. Mr. Danford, I think, talked with me. I think I talked with Mr. Merritt.

Q. What did they talk with you about?—A. Urging that everything should be done that could be done to counteract the—

Q. Urging that everything should be done, without designating the means to secure the object; what were the means suggested?—A. I do not know that any special means were named.

Q. They just sat there and said to you everything should be done and did nothing. Is that the fact?—A. I cannot say what they did.

Q. Did you bring any money from Emporia up here for the purpose of being used in the Senatorial election?—A. No, sir.

Q. Do you know whether Mr. Danford brought any money from his bank or not?—A. I do not know.

Q. Do you know whether any money was brought from a Kansas City bank, or not?—A. I do not know.

Q. Do you not know that \$10,000 was sent from Pittsburg to Kansas City to be used here in the Senatorial election?—A. I do not know it.

Q. Did you not hear it?—A. No, sir; I did not hear it.

Q. Do you know Charles A. Morris?—A. I do not.

Q. Have you not heard of him?—A. I do not know that I have.

Q. He is one of Ingalls's appointees?—A. That may be.

Q. Register of the land-office at Larned?—A. I do not know him.

Q. You know that after Mr. Ingalls was elected, the house of representatives of the State legislature ordered an investigation into his election, do you not?—A. Yes, sir.

Q. Did you not, after that investigation was ordered, receive a dispatch from Mr. Danford requesting you to come here to Topeka and bring \$10,000 with you?—A. Not exactly that.

Q. Just what was it; what time was it?—A. I was not at home when the dispatch came to the bank.

Q. What was the date of the dispatch?—A. I could not say.

Q. About how long after the final vote had been taken on which Mr. Ingalls was declared elected?—A. I could not say.

Q. The dispatch was sent by Mr. Danford to you, was received at Emporia, and was there at your bank was it not?—A. Yes, sir.

Q. You saw the dispatch afterwards?—A. Yes, sir.

Q. State its contents, as near as you can?—A. I think the dispatch reads about thus—

By the CHAIRMAN :

Q. Have you the dispatch with you ?—A. I have not, I can produce the dispatch.

Mr. EVEREST. We do not raise any question.

The WITNESS. I think it said "come up on first train; go with me to Topeka; bring \$10,000 currency; important." I think that is the exact language of the dispatch. It was signed either "J. S. Danford," or "J. S. Danford, president"; I will not be certain which. I was not home when the dispatch was brought there.

By Mr. WEBB :

Q. Do you not know that very soon after sending that dispatch Mr. Danford went to Emporia ?—A. Yes, sir.

Q. Were you at home then ?—A. No, sir.

Q. Do you know what his business there was then ?—A. I was told by the cashier of the bank that it was to get \$10,000 in currency.

Q. Did he get it ?—A. Yes, sir.

Q. Do you know to what use that money was put ?—A. No, sir; I do not. I know it went to the Osage City Savings Bank.

Q. From your bank ?—A. Yes, sir.

Q. That is Mr. Danford's bank ?—A. Yes, sir.

Q. During the progress of that investigation, did you come to Topeka ?—A. No, sir.

Q. Did your bank pay out to Mr. Danford, or upon his draft or check or telegram, any other money than that \$10,000 ?—A. Not that I know of.

Q. Do you remember whether that dispatch of Danford was sent to you, or sent to your bank for you, before or after the investigation had been in fact ordered ?—A. I think it was during the investigation: I am quite certain it was.

Q. Did Mr. Danford at any time after tell you what use that money had been put to ?—A. Yes.

Q. What did he say ?—A. He said it was for the use of the bank. They were called on for a large amount of currency and requested the loan of it for a few days. I would like to state the whole thing.

Q. Just answer my questions as put to you.—A. Very well; but I could explain it better in a few words.

Q. When did Mr. Danford tell you that ?—A. I do not remember; it was when I saw him.

Q. You saw him yesterday; did he not tell it to you yesterday ?—A. No, sir.

Q. This morning ?—A. No, sir; it was after the currency was returned.

Q. Where were you when he told you ?—A. I think it was at the bank.

Q. His bank or yours ?—A. Ours.

Re-examined by Mr. EVEREST :

Q. You say you do not recollect ever having had any conversation at all with Mr. I. O. Savage in reference to his vote ?—A. I think not.

Q. Do you know Mr. Loy and Mr. Gillet, who were members of the legislature from your county ?—A. I do.

Q. After you came to the room occupied by Mr. Danford were you not asked by the friends of Mr. Ingalls to see those two gentlemen and see if you could not get them to vote for Senator Ingalls ?—A. I cannot say just at that particular time.

Q. Well, that morning ?—A. I was asked every day during the election to do that. I had been asked.

Q. You were personally acquainted with them ?—A. Yes, sir.

Q. They were friends not only of yourself but of Senator Plumb ?—

A. They were.

Q. And both of them voted for Judge Horton ?—A. They did.

Q. Both lived in your town, Emporia ?—A. One of them lived in our town. The other lived in the town of Americus. Mr. Gillet lived in town.

Q. Mr. Gillet was your senator ?—A. Yes, sir.

Q. Was not that the subject of conversation when you came there that morning ?—A. I cannot remember. I presume that was spoken of. I know it was spoken of every day. I was urged to use every influence on them.

Q. Now I ask you to make any explanation you may see fit about the \$10,000 in currency which you say was given by your bank upon the telegram of Mr. Danford after the investigation was ordered, on your being consulted about it ?—A. I was not at home when the telegram was received. I was down in the country some twenty miles, weighing some cattle. I got home the next day, I think, or the second day after, I shall not be certain which. I was gone three days I know. I came home and the cashier showed me the dispatch. I asked him if he had let Mr. Danford have the currency. He said he had answered the dispatch. In the first place, the cashier himself was not there, the assistant cashier was there. He said he had answered the dispatch that I was not at home ; that then by the next train Mr. Danford came to Emporia, and said that he must have \$10,000 in currency ; that they had been paying out very largely, and their bank had plenty of exchange but were short of currency. The assistant cashier demurred for a long time to letting him have it, saying I was not there, and the cashier himself was not there, and declined to let him have it for some time ; but Mr. Danford urged and said they would replace it again in two or three days at the farthest, and he finally gave him the currency. The currency was brought back inside of—I am not certain, but it was brought back when I got home, but I think not till the day after ; it was sent back by express, the same currency, unused. They said they had found they did not require it, and returned the same currency.

Q. Is it an uncommon thing for one bank to accommodate another in that way ?—A. No, sir ; not in that respect.

Q. You knew the bank of which Mr. Danford was president well ?—

A. Yes ; we had done the same thing before, and have done it since.

Q. Is Senator Plumb its vice-president ?—A. He is vice-president of the Osage City Savings Bank, and Mr. Danford president.

Q. You say that had been the practice before and afterwards ?—A. It has been done frequently.

Q. It was not an uncommon transaction, then ?—A. Not at all.

Q. Was not and is not the Osage City Savings Bank one of the regular correspondents with which the bank of Mr. Danford did business ?—

A. It is.

Q. Now, state to the committee whether you have any knowledge, personally or otherwise, of the payment of any money or thing of value, or the promise of the payment of any money or thing of value, in consideration of obtaining the vote of any member of the legislature last winter for Mr. Ingalls ?—A. I have not.

Q. State to the committee what money-transaction, if any, occurred between you and Mr. Auld, or any one else, at Topeka, during that Senatorial canvass, or after it was over ?—A. On the morning after Mr.

Ingalls was elected I was in room 120, I think. Mr. Auld came to me and asked me if I could cash a check for something over \$1,100.

Q. Be particular. Was it not \$1,175 or \$1,180?—A. I think it was \$1,180. That is my recollection, but I am not positive as to the exact amount. I told him no, but I could get it cashed if he wished to have me. He said that Mr. Ingalls had asked him for some money to pay his expenses, and made the remark that he did not want to see another Atchison Senator going home without having his bills paid.

Q. To whom did he refer?—A. I do not know. He did not call any names. He said, "I want to go home on the first train, and Mr. Ingalls requested that I should leave the money either with you or Mr. Merritt." He said, "If you cannot cash it I may as well go to the bank and get it cashed myself." He went out and in a short time came into the room again. There were several parties in the room at the time, and he handed me the money and I counted it. It was something over \$1,100. Shortly after Mr. Merritt came into the room and I handed the money to him and stated what Mr. Auld had said. I think Mr. Ingalls was in the room also, came in about the time I handed the money to Mr. Merritt.

Q. Now state whether or not that was the only money transaction that you had with Mr. Auld, or any of the friends of Mr. Ingalls during that Senatorial canvass or after it?—A. It was the only money that I handled in any way or saw excepting money that I had for my own private expenses. I saw no other money whatever.

Recross-examined by Mr. RIGGS:

Q. You say you knew Senator Gillet and Mr. Loy from your county?—A. Yes, sir.

Q. You say you had been asked to see them frequently while you were here?—A. I had been.

Q. And you had seen them frequently while here?—A. I saw them frequently, but never spoke to Mr. Gillet in regard to his vote at all.

Q. You never did at all from first to last?—A. From first to last I never asked Mr. Gillet.

Q. You understood perfectly well that Mr. Gillet was a bitter opponent of Senator Ingalls, and that under no circumstances would he support him, did you not?—A. No; I did not understand that.

Q. Did you not understand him to be an uncompromising opponent of Senator Ingalls?—A. No, sir; I did not understand him to be. I think I never had any conversation with Senator Gillet in regard to the Senatorial candidates, any of them.

Q. Why did you not have any conversation with him in relation to the Senatorial matter?—A. I knew Mr. Gillet to be a man of good judgment, and whatever his convictions were there was no use talking to him.

Q. You knew him to be a man of decided convictions, and for that reason did not talk to him?—A. I did.

Q. In relation to Mr. Loy, had you seen him frequently?—A. I saw him frequently; and I think once, while he was supporting Mr. Anthony, I said to him that I was very sorry to see him supporting Mr. Anthony; that he had been elected and instructed against Mr. Anthony, and that the county he represented was very strongly opposed to him. I do not think I urged him at all.

Q. You never spoke to him but once?—A. I may have spoken to him two or three times. I remember this conversation.

Q. Did you not speak to him early after you came here?—A. I may have done so.

Q. Did you not know him to be a man of decided convictions?—A. I always took him to be.

Q. Did you speak to either of them after you were called from the Fifth Avenue Hotel to the Tefft House on Friday?—A. I think not.

Q. Did you see either of them?—A. I could not say.

Q. When you were solicited to see Senator Gillet did you inform the persons who desired you to see him that he was a man of strong convictions, and it would be of no use for you to talk to him?—A. I think I had informed them of that different times.

Q. After you had a conversation with Mr. Loy, did you inform the persons who desired you to see him that he was a man of strong convictions, and it would be of no use to see him?—A. I do not know that I did.

Q. You know both those gentlemen to be thoroughly honorable and honest, do you not, in their votes?—A. I believe them to be.

Q. That their integrity in a matter of that kind never has been questioned?—A. I think not, at all.

Q. Then you say that you did not see, or make any effort to see, either of them after you were sent for that morning?—A. I do not think I did. I may have spoken to Mr. Loy, but I do not think I did.

Q. In relation to this \$10,000 transaction, state whether the books of the Emporia National Bank, your bank, show that transaction as it occurred.—A. I do not think it was charged up to the Osage City Savings Bank. In matters of that kind it has been customary for us to carry it as cash where it is merely got for a day or two.

Q. You have an account with the Osage City Savings Bank?—A. Yes, sir.

Q. That account was current at that time?—A. Yes, sir.

Q. You say this \$10,000 transaction was not entered on that account?—A. I do not think that or any similar transaction which we have had before or since is ever entered.

Q. I am speaking as to this. You say that this transaction was not entered on that account?—A. I do not think it was. I never asked the cashier or examined the books about it, but that is my impression.

Q. You simply had the word of Mr. Danford that he would return that currency in two or three days?—A. I do not know whether a check was taken. We frequently take a draft and hold it as a cash item.

Q. For \$10,000?—A. We have done so for that amount.

Q. Do you say that the books of your bank will show transactions of that kind where you have furnished large amounts of money in that way and held them upon the checks of the banks as cash items?—A. We have given cash for exchange with the understanding that we would not use the exchange unless it was desirable for us to do so.

Q. You have given cash for exchange and held that as a cash item?—A. Yes, sir; drafts on some of their correspondents east.

Q. Did you get a draft for this \$10,000?—A. I cannot say.

Q. Do you swear that you did not?—A. No.

Q. Do you swear that you did?—A. No, sir.

Q. Will your books show whether you did or did not get a draft on an eastern correspondent of the Osage City Bank for that amount?—A. They would not show, because the currency was returned.

Q. I am speaking of the interim?—A. No; it would not be entered on the books.

Q. Do you keep an account of the items that you carry from day to day as cash items in your bank? Do you keep a permanent record of

those items?—A. No, sir; cash items are usually carried in an envelope and counted as cash.

Q. How do they enter on your books?—A. They do not enter on the books at all.

Q. Are they not entered in the aggregate as so much cash?—A. They are entered in the scratcher as cash items.

Q. Are they entered in detail or in the aggregate on that scratcher?—A. I think perhaps in detail, but I could not say.

Q. Do you say that this transaction was entered on the books of the Emporia National Bank in your cash items of those two or three days in detail?—A. I could not say.

Q. Do you not know that it does not enter in that way on the books of the bank?—A. I do not know as to this transaction; I cannot say.

Q. Can you state from your recollection just when he paid that currency back?—A. No, sir; I cannot.

Q. Do you mean to swear that he paid it back in two days or three days, or any other number of days, positively?—A. No; it was but a very short time though.

Q. Will you state a number of days beyond which you did not carry it as a cash item?—A. I will say that we did not carry it ten days.

Q. You swear you did not carry it ten days?—A. I would not swear, because I do not keep the books or keep the cash.

Q. Will your books show the date when that cash was repaid your bank?—A. Not unless it was charged to their account when they took it and credited to their account when they returned it.

Q. If carried as a cash item, you have no way of telling from your books when it was repaid?—A. No.

Q. And you now have no way of telling when you let them have it?—A. Nothing, except by referring to the date of the telegram.

Q. Do your books show the balance of cash in your bank from day to day each evening?—A. Yes, sir.

Q. Would the balance cash in the evening indicate when that money was repaid to your bank?—A. Not if it was carried as a cash item.

Q. Because it would appear as cash every day?—A. It would appear as cash in hand.

Q. Do you know Byron Roberts?—A. I do.

Q. What is his business?—A. Cashier of the Topeka Bank.

Q. Did you see him in room 120 of the Tefft House at any time during that Senatorial contest?—A. I did.

Q. Did you see him in Senator Ingalls's room during that contest?—A. I do not know whether I did or not; I could not say; I think I may have seen him in Ingalls's room.

Q. Did you see him in Merritt's room, the room immediately west of Senator Ingalls's room?—A. I could not say. There were three rooms on the same floor that Mr. Ingalls had; the door was open during the day; I may have seen him in one of them.

Q. Did you see Byron Roberts in room 120 on Thursday night or Friday morning, the day of the election?—A. I cannot remember certainly. I saw him there nearly every day.

Q. Do you not think you saw him there that day?—A. I presume so, but I cannot tell. I saw him nearly every day; perhaps every day up to the election.

Q. Then I understand you to say you are a banker, vice-president of the Emporia National Bank; Mr. Danford is a banker, president of the Osage City Savings Bank; Byron Roberts, cashier of the Topeka Bank; Mr. David Auld, president of a bank in Atchison; that you were all

four of you here, and that that morning you were at room 120, and others in Mr. Ingalls's room, all interested in the election of Mr. Ingalls?—A. I do not remember whether they were all present there or not.

Q. You have testified as to your meeting them nearly every day, and that all were interested in the election of Mr. Ingalls?—A. Yes, sir.

By Mr. EVEREST:

Q. State the fact if there were not a great many bankers here also opposed to Mr. Ingalls.—A. Yes, sir.

Q. Mr. Purcell?—A. I am not acquainted with him.

Q. Mr. Cross, of the First National?—A. Yes, sir; president of the First National Bank of Emporia. Mr. Martindale also.

Q. What bank is he connected with?—A. The Eureka Bank.

Q. Most of the business men of the State were here in that Senatorial fight, were they not, or a great many of them?—A. A good many.

Miss ELIZABETH RUDOLPH, a witness called by the memorialists, sworn and examined.

By Mr. WEBB:

Question. Do you reside in the city of Topeka?—Answer. I do.

Q. Have you been here about two years?—A. Not quite so long; about a year and a half.

Q. Were you residing in Topeka during the last session of the legislature of this State?—A. I was.

Q. Are you acquainted with a member of the legislature by the name of Loy, a member from Lyon County?—A. Yes, sir.

Q. How long have you known Mr. Loy?—A. I first met him during the legislature.

Q. Is he a friend and relative of your father?—A. He is.

Q. Were you at the capitol on the day that the final vote for United States Senator was taken?—A. I was.

Q. Did you remain in the hall of the house of representatives while the joint convention was in session until after the result of the ballot was announced?—A. Yes, sir; I did.

Q. In what part of the house did you sit?—A. About the center of the room, back by a window.

Q. On the south side of the hall?—A. Yes, sir.

Q. At whose seat or by whose seat were you sitting?—A. I sat at the left of Mr. Loy's desk.

Q. Which way was Mr. Loy facing, sitting at his own desk?—A. He was facing the speaker's stand.

Q. And to the north?—A. Yes, sir.

Q. And you were facing the north also?—A. Yes, sir.

Q. Then Mr. Loy sat at your left?—A. No, sir; he sat at my right.

Q. Can you describe the two persons that sat directly in front of Mr. Loy's desk? First, I will ask you, as matter of fact, if the desk Mr. Loy sat at was what was called a double desk where two members could sit?—A. Yes, sir.

Q. And Mr. Loy sat at the west end of that desk?—A. Yes, sir.

Q. And you to his left?—A. Yes, sir.

Q. Now, can you describe the two members or persons that sat directly in front of Mr. Loy during the time that convention was voting?—A. No, sir; I cannot, because one gentleman's face I did not see at all; the other had a smooth face, excepting a moustache, I believe, and I saw

neither straight in the face, and I do not know what they looked like. One was dressed in black and the other in light, if I remember correctly.

Q. Which one was dressed in light ?—A. The one farthest from me.

Q. That was the farthest east of the two ?—A. Yes, sir.

Q. How near did you sit to the one closest you of those two men ?—

A. I sat right along almost the side of the desk, and he was sitting in a chair in front of the desk.

Q. How close were you ?—A. That distance, between myself and this table (indicating).

Q. A couple of feet ?—A. Yes.

Q. And you say the one that sat to the right and east of that man had light clothes on ?—A. He had a light coat on ; I remember that.

Q. During the time that the ballot was being taken, did you notice anything being done around that desk—in front of the desk occupied by Mr. Loy ? If you did, state what you saw there.—A. I saw nothing, except several different gentlemen come and talk to him—whisper to him—speak rather confidentially to the gentleman with the light coat on. I heard nothing of what was said, only noticed their manner of speaking.

Q. Describe any one that did come there and talk to him.—A. One gentleman I remember particularly. He was rather medium size, with a black moustache ; smooth face otherwise.

Q. Black hair ?—A. Yes, sir ; and dark eyes.

Q. Did you understand at the time what his occupation was ?—A. I thought I understood pretty well.

Q. What did you understand it to be ?—A. I understood that he was trying to get another vote.

Q. His occupation ? I did not ask what he was doing ; I was going to ask, of course. What was his business or profession ?—A. I did not know anything about that.

Q. What was he doing ?—A. Talking.

Q. To the man with the light coat on ?—A. Yes, sir.

Q. How long did he remain there ?—A. Each gentleman only remained there a very short time ; I do not know how long he staid there.

Q. Did you see any other person come there that you can describe ?—A. I saw a gentleman that came down there with whiskers and moustache ; as to his size I do not remember.

Q. Did you see a one-armed man come there ?—A. Yes, sir ; I saw him there once or twice.

Q. What did he say or do with respect to the man that had a light coat on ?—A. He talked to him.

Q. Did you hear what he said ?—A. No, sir.

Q. After the vote was announced, did you see that one-armed man again ?—A. Yes, sir.

Q. What was he doing then ?—A. He came and shook hands with him, I believe.

Q. Now, I ask you if he shook hands with the man with the light coat on ?—A. Yes, sir.

Q. Do you know how that man with the light coat on voted ?—A. He voted for Ingalls.

Q. Did you learn what his politics were at the time ; whether he was a Democrat, Republican, or Greenbacker ?—A. I understood he was a Greenbacker.

Q. State whether you saw anything pass between any person, either sitting or standing, and the man with a light coat on.—A. No, sir.

Q. Can you describe the two men that sat to your left, to the west of you?—A. No, sir.

Q. Did you hear any conversation between the two men sitting at your left?—A. Yes, sir; I heard them talking.

Q. State what you heard them say—the one sitting next to you to your left—Mr. Loy sat at your right.—A. I do not know that he was the gentleman just sitting to my left that I heard talking; they were talking, though, and I did not look any further, but supposed it was they. I merely heard them talking about the way some votes were cast, and I understood one man to say that he had received so much to vote in a certain manner.

Q. Did he specify the amount?—A. He did at the time, but I do not remember it now.

Q. Can you remember any part of it?—A. He said “two hundred” or “two hundred and fifty”; something along there.

Q. Did you hear the man vote who made that remark?—A. No, sir.

Q. You do not know how he did vote?—A. No, sir.

Q. Did you not see an envelope pass between the two men, or to the man with gray clothes on, who sat in front of Loy’s desk?—A. No, sir.

Q. When you heard this remark, did you tell any one of it immediately there in the room?—A. I mentioned it, I believe, to Mr. Loy, that “there was some mischief going on.”

Q. Did you tell him at any time what it was?—A. I think I did; I think I spoke of it at the time.

No cross-examination.

JOHN W. LOY, a witness called by the memorialists, sworn and examined.

By Mr. WEBB:

Question. You were a member of the house of representatives from the county of Lyon last session, were you not?—Answer. Yes, sir.

Q. Whereabouts in the hall of the house was your seat?—A. I sat in front of the speaker’s stand in the back part of the house, a very little to the left of the speaker, almost immediately in front.

Q. On the back tier of seats?—A. On the back tier of seats.

Q. That is on the south side of the hall?—A. Yes, sir.

Q. State, if you can, whether the desk that you occupied was what is called a double desk where two members could sit?—A. Yes, sir.

Q. Who sat at your right?—A. Mr. Watson.

Q. One of your colleagues from Lyon County?—A. Yes, sir.

Q. What two members occupied seats directly in front of yourself and Watson?—A. Mr. Hamilton, of Norton, sat immediately in front of myself; Mr. Rood sat in front of Watson.

Q. Where was Rood from; Montgomery?—A. I believe so.

Q. Mr. Rood sat then within a few feet of you all winter?—A. Yes, sir.

Q. What kind of clothes did he generally wear as to color?—A. He wore a light-colored suit, a gray suit of clothes.

Q. Do you remember seeing him in his seat there on the morning the final vote was taken for United States Senator?—A. Yes, sir; I do.

Q. Occupying his seat?—A. Yes, sir.

Q. Did you hear the lady witness, Miss Rudolph, testify?—A. I could not hear what she said.

Q. You are acquainted with her?—A. Yes, sir.

Q. State whether or not you know that she was present in the room there that morning?—A. She was.

Q. Occupying what position?—A. Sitting immediately at my left hand.

Q. Who sat then to her left?—A. Mr Hamilton, of Marshall, occupied the seat immediately at her left hand, whether he was in his seat at that time or not, I do not know.

Q. I am only asking who occupied the seat?—A. Mr. Hamilton, of Marshall.

Q. Who occupied the seat next to him?—A. Mr. Anderson.

Q. From what county?—A. I cannot tell you distinctly.

Q. There were several Andersons. Was this Anderson, of Ellsworth?—A. Yes; I believe it was.

Q. Did you observe anything unusual around the desk of Mr Rood while that ballot was being taken for United States Senator?—A. In what way?

Q. Anything unusual?—A. There was so much that was unusual that I hardly know what you mean.

Q. Are you acquainted with Mr. Clark, of Montgomery?—A. Yes, sir.

Q. State whether or not he came to Mr. Rood.—A. He did.

Q. Can you describe Mr. Clark, of Montgomery?—A. Mr. Clark is a man perhaps twenty-seven or twenty-eight years old, of medium size, dark complexion, dark hair, heavy eyebrows, heavy mustache.

Q. Black mustache?—A. A black mustache, and I think black eyes.

Q. You say that he came there and stood by Rood?—A. Yes, sir.

Q. Did he talk with him any?—A. Yes, sir.

Q. While the roll was being called was he there talking with Mr. Rood?—A. I could not state distinctly that he was during the roll-call particularly; before the roll-call he was.

Q. Did he come there afterwards?—A. I am not positive that he did afterward.

Q. Do you know a man by the name of Humes, a one-armed man?—A. Yes, sir.

Q. He was a member?—A. Yes, sir.

Q. Did he come there and talk to him?—A. He did.

Q. State just what transpired around Rood's seat there in respect to conversations to him and actions of the members—what was done.—A. I cannot tell anything about conversations. I could see distinctly, and see that there was confusion and considerable motion. Mr. Humes came back and talked to Mr. Rood immediately before the ballot was begun; so did Mr. Clark. I noticed that, because I knew that Mr. Rood had been in a convention the night before that were working for the nomination of Judge Horton, and occupying the seat that he did, being familiar with him as I was, I knew of this. I knew that these parties that were coming to him were not supporting Judge Horton. I noticed that. It attracted my attention at the time.

Q. Were you in the Horton caucus?—A. I was.

Q. Do you know that Mr. Rood was there?—A. I do.

Q. Do you know whether he pledged himself, as the others did in answering upon the roll-call, to support Horton?—A. I think he did.

Q. Do you know how he voted that day?—A. He voted for Senator Ingalls.

Q. You say that Miss Rudolph was there?—A. Yes, sir.

Q. Did she make any statement to you concerning actions or remarks made there while the convention was still in session?—A. Yes, sir; she did.

Q. What did she say to you at that time?—A. I cannot recollect to state distinctly what she said to me; but she called my attention to

something that she had overheard in the way of conversation. She said, however, in substance, that there were men there buying up votes or something to that effect, that she overheard gentlemen making remarks to that effect. I cannot state positively what Miss Rudolph's words were, but that was the impression that was made on my mind at the time and has been ever since.

Cross-examined by Mr. WILLIAMS:

Q. There were a great many people in the hall at the time of this election?—A. Yes, sir.

Q. A great many ladies?—A. Yes, a good many ladies.

Q. A good deal of excitement?—A. Certainly.

Q. And a very large amount of what is classically known as "buzzing," was there not?—A. Yes, sir.

Q. I do not mean a buzzing sound now, but buzzing members, everybody button-holing everybody else?—A. I presume so.

Q. Do you mean to say that in the anti-Ingalls caucus Mr. Rood voted for Horton as his choice?—A. I think he did that night.

Q. I ask you if you know?—A. I so understood it; it was unanimous.

Q. I am not talking about the voting when they were selecting a candidate?—A. That is my judgment as well as I can remember anything.

Q. You voted for different candidates, and he voted right along for Horton? Is that what you mean?—A. He voted to stand by the decision of the caucus.

Q. I do not ask you when you were selecting a man to stand by. You voted for different men?—A. That is my judgment, as well as I can recollect anything.

Q. You do not get my question yet. How many candidates were voted for at that caucus?—A. I cannot tell you.

Q. As many as three?—A. I think so.

Q. Different candidates were voted for?—A. Yes, sir.

Q. Do you know that Mr. Rood voted for Mr. Horton as his choice among the candidates presented to that caucus?—A. I will swear to this, Mr. Rood told me in person that he was going to support Mr. Horton that night. Just how he voted on the last vote I cannot state positively, but I can state positively that he told me in person that he was going to support Mr. Horton.

Q. Was that before or after the caucus?—A. It was during the time we were voting, but just how he voted when the vote was taken I cannot tell you.

Q. Was the conversation in which he told you he was going to support Horton before the last ballot or vote?—A. It was during the time we were balloting and fixing up our ballots.

Q. Then it was before you had agreed upon Horton?—A. About that time.

Q. Did you vote by ballot?—A. Yes, sir.

Q. And not *viva voce*?—A. By ballot.

DANIEL GRASS, a witness called by the respondent, sworn and examined.

By Mr. WILLIAMS:

Question. Where do you reside?—Answer. At Independence, Kans.

Q. What county?—A. Montgomery.

Q. Were you a senator in the last legislature of the State of Kansas?—A. Yes, sir.

Q. What composed your senatorial district?—A. The county of Montgomery.

Q. For whom did you vote for United States Senator?—A. John J. Ingalls.

Q. Were you acquainted with I. O. Savage, of Republic County, at that time?—A. I was.

Q. How long had you known him?—A. I had known him, I think, about three years or thereabouts.

Q. What had your relations with him been?—A. Very intimate and cordial.

Q. What had your legislative relations with him been also in regard to your local measures?—A. Very pleasant. We had assisted each other, and whenever Senator Savage had a local bill to get through he asked my assistance. I assisted him in drawing bills and making parliamentary motions for him sometimes. I always stood by his local bills as a matter of favor to him as a personal friend.

Q. Do you know what the sentiment of Montgomery County was with reference to the candidacy of Albert H. Horton for United States Senator?—A. I do.

Q. How was it?—A. It was opposed to him very earnestly.

Q. Did you meet Senator Savage on the morning after what was known as the anti-Ingalls caucus?—A. I did.

Q. What time in the morning did you meet him?—A. It was somewhere about eight o'clock. It may have been between eight and nine; it was pretty early in the morning. It may have been later than eight a little, but somewhere about that time; not so late as nine.

Q. Did you understand that he had been in the anti-Ingalls caucus?—A. I had been so informed a few moments before he met me, probably five or ten minutes.

Q. You had also been informed that the anti-Ingalls caucus had united on Judge Horton?—A. I was so informed about daylight.

Q. Had you at that time any conversation with Senator Savage with reference to the action of that caucus in regard to his action and the candidacy of Judge Hilton?—A. I did.

Q. State in your own way, and fully, to the committee what that conversation was.—A. Some friend called to me and asked me if I had seen Mr. Savage that morning. I said not. He said that he was in the anti-Ingalls caucus and had pledged himself to support Judge Horton. I expressed surprise at it, and while talking about it Senator Savage came along. I spoke to him, went up to him, and told him I wanted to see him. He said he was glad to meet me. I slipped my arm in his, and we walked down the street in this direction. I asked him how it came that he had gone into that caucus after saying to me that Senator Ingalls was his second choice; that he had promised me that he would support Ingalls when Phillips's chances had failed. I am not using the exact language, but I am giving the substance of it. I recollect the substance well; I cannot recollect the exact words. I urged that he should vote for Mr. Ingalls upon the ground of Ingalls's superior qualifications and of what he had already done for the State. It seemed to make no direct impression on Mr. Savage. I appealed to him by the pledge he had made me. He said he could not help going into the caucus under the circumstances. I told him I could give him a reason why he should not vote for Albert H. Horton and why I could not vote for him, and why the people of my county would not support him. I detailed to him the transactions of our county commissioners employing Mr. Horton as attorney to resist the payment of a two-hundred-thousand-dollar railroad bond that had been voted on the county; detailed to him Mr. Horton's pledge to me. I had intimated to Judge Horton that we

were afraid of our commissioners—afraid they were not trustworthy—and I was glad he was employed. He said, "We can beat the suit, and the commissioners shall not sell out," or words to that effect. I detailed this to Senator Savage, and told him then that our county issued \$20,000 in county warrants, payable to Albert H. Horton and to himself only; that they were issued and delivered; that when the trial came on Mr. Horton did not appear, and judgment went against the county by default. He seemed a little staggered about it. He said, "Is that possible?" Said I, "It is not only possible, but it is absolutely true, sir, and I have twenty men from my county here who will verify every word I have said to you. Our county clerk is here for another purpose with part of the county records that happen to be here that will show that transaction." Said he, "I don't want any evidence from anybody else; your word is enough for me; I will take your word for anything." I still urged the matter before him; he stopped and seemed to reflect, probably a minute or two, turned around to me and said, "Dan, I will vote for John J. Ingalls, and here is my hand, and by the Lord I will stay with you." That ended it, and I walked up the street with him and threw him in the presence of some of the members from my county and raised a conversation in order that he might hear them talk about it. I will say frankly that I had set them all to work; they were all buzzing around; they talked it over in his presence and he heard part of it. I remained with Senator Savage until about ten o'clock, because I knew the Horton men were hunting him around and I did not want them to get hold of him until I thought he was well fixed. I left him at ten o'clock and after that I saw no more of him until he was going up the steps of the capitol. I asked him then if he was still of the same opinion; he said he was, and then he voted for John J. Ingalls. That is the transaction in brief between Savage and me.

Q. Did you communicate this generally to Senator Ingalls's friends with whom you were intimate?—A. I did speak to a number of them about it. Not only that, but I had said to the Ingalls men before this transaction, I had said two weeks before, "We will get Savage yet, because Phillips has no show, has no chance, and Savage is going to support Ingalls when Phillips falls." I had said that to numbers of them, and they knew it. I said that morning to a number of gentlemen—I do not know now who, I cannot tell you to save my life, I could not identify a single man unless it was the Hon. James Hallowell, I probably told him, because he was very active; I may have mentioned it to Mr. Ping; I know I mentioned it to all our intimate friends, to those men who had been standing by Ingalls all the time, and said to them, "We have got Savage." We were working very hard that morning; I do not know exactly whom I did say it to.

Q. Did you communicate it?—A. I did communicate it; was unreserved about it, because I was at that for a fact.

Q. What pledge had Senator Savage made you prior to the anti-Ingalls caucus, in regard to his vote in the event that Phillips was out of the way?—A. Well, I learned some two weeks before this caucus, early in the session of the legislature, being very intimate with Mr. Savage, that he was a Phillips man, and I appealed to him to support Ingalls because of Ingalls's superiority. He, without saying it directly, intimated to me that Ingalls was his personal choice, but that his county was a Phillips county and he would have to vote the sentiments of his constituents. "Well," said I, "if Phillips cannot be elected and there is no show for him, who is your next choice?" He said, "John J. Ingalls." Said I, "Will you support him?" He said he would. That was early

in the canvass, and then he and I had conversations about it frequently afterwards. He always repeated the same thing to me. That was what created my astonishment on the morning when the storm broke and I was told that he had gone over into the camp of the enemy, and of course I sought for him.

Q. Was not the feeling against Judge Horton in Montgomery County at that time, and is it not now, very strong?—A. It is so strong that there were Democrats and Greenbackers, not less than perhaps thirty citizens of our county here, probably there were fifty; I know there were not less than thirty; there was not a man of any political complexion that was for Horton, except this man Rood who had gone in there, and he had expressed himself against Horton before. Our county clerk, who is a bitter Democrat and who is a bitter opponent of Mr. Ingalls, said that as between the two, he was for Ingalls, and he exerted himself. There was not a solitary man from Montgomery County that was a Horton man, and there are not ten men in that county to-day for him.

Q. Would Mr. Rood have been justified by his constituents in voting for Mr. Horton?—A. He would not; he would have been dragooned out of his township.

Q. Did you have any talk with Rood in regard to this thing?—A. I did early in the morning.

Q. State what that was.—A. I do not know that I can state it all.

Q. In substance?—A. Perhaps it is well here to begin back a little. About daylight, or a little earlier, the Hon. James Hallowell came to my room, rapped at my door and woke me up, and told me what had been done, and said I would have to get out and stir around. I got out, and after seeing a few persons gathered around the Tefft House—everybody was astir just like a swarm of bees; everybody was buzzing about—after seeing a few individuals and telling them what I wanted them to do, and sending them to see certain parties, I went to Rood's room. I rapped at the door several times before he would admit me; he finally admitted me; he was in bed. I said to him, "You were in the Horton caucus, were you?" He said, "Yes." Said I, "Are you going to vote for him?" He said he was. Then I cannot remember what I said to him, but I commenced talking pretty strict to him and pretty rough to him. Said I, "You promised me you would vote for John J. Ingalls when the chances of Mitchell and Phillips failed; now you have gone back on me." Said I, "You vote for Horton if you dare." He wanted to know what was the reason. I detailed the transaction in the county. He professed ignorance about it. Said I, "You are a very nice representative," and I did not use so elegant a word as that either, "to come here and say you don't know anything about the history of your county; you are going to stand up there in the capitol and claim ignorance as an excuse for voting for a man that our county despises." I did not seem to reach him. Finally I said to him, "If you vote for A. H. Horton and go home you cannot stay there, sir," and I used worse words than that a good deal. He hopped out of bed and said, "Perhaps I had better not." I sat down and gave him all the reasons I could for it. "Well," said he "I won't vote for him," and I then applied a political argument to him. Said I, "You come up here as a Greenbacker, and you are voting for these men as Greenbackers, and you know that Horton is simply a one-moneyed man." I did not know whether he was or not, and I knew he did not know it, and I did not care much. "He stands on the gold basis with George T. Anthony," said I; well, he said that my friend, Senator Gillet, from Emporia, was a good man, and he

was a Horton man. Said I, "Gillet wants Horton out of the way so that he can be chief justice, don't you understand that, have you not got a bit of sense?" I told him that Horton was just like George T. Anthony, that he was for one single metallic standard, that he was a gold man, and said I, "Do you want to support him, and you come up here as a Greenbacker?" Said he, "Is that so?" Said I, "go and ask him if it is not so." That was the way I got out of that. "Well," said he, "I will vote for Ingalls," and he came up and voted for Ingalls. I was perhaps an hour with him. I cannot tell you all I said, but that is the substance of it.

Q. Did Mr. Rood come to Montgomery County after this transaction that you have spoken of?—A. He came there some two or three or four years afterwards. I presume he actually did not know the history of it. I presume that is the fact, that he really did not know the history of that transaction, because he came there some three or four years after the transaction, and settled on a farm down South.

Q. Was Mr. John J. Hinkle county attorney of Montgomery County here during that contest?—A. He was.

Q. A great many other citizens of Montgomery County?—A. Yes, sir. The county attorney and the county clerk and the sheriff were all here—every one of them without exception; and there were half a dozen attorneys here.

Q. The county clerk and the sheriff were Democrats?—A. Yes, sir; both of them.

Cross-examined by Mr. WEBB:

Q. You have been long a resident of the Montgomery County, have you not?—A. Yes, sir; since 1870. In the winter of 1870-'71 I came there.

Q. It is a large county?—A. Pretty large.

Q. Was it not very well filled up, a very heavy population there when you went there in 1870?—A. I think not. I do not recollect the population then; it was rather sparsely settled. When I went there, there were, perhaps, 100 houses, more or less, in the city of Independence, and the streets were full of grass.

Q. When were those railroad bonds voted?—A. They were voted in the spring of 1870. I was not there when they were voted.

Q. You are mistaken.—A. I know I was not there.

Q. Are you not mistaken as to the year they were voted?—A. I think not.

Q. When was the suit brought on the bonds? The suit was brought by your county commissioners to enjoin the delivery of the bonds?—A. Yes, sir; first.

Q. That was the suit in which Horton was employed?—A. Yes, sir.

Q. Who was employed with him?—A. Mr. Stillings and Mr. Fenlon.

Q. Thomas P. Fenlon, one of the counsel here?—A. Yes, sir; that was the gentleman.

Q. That suit was brought in the United States court, was it not?—A. Yes, sir.

Q. The United States circuit court?—A. Yes, sir; brought in 1871.

Q. The suit was brought in 1871?—A. I think so.

Q. You say that when the case came on for trial Horton was not there?—A. That was my understanding.

Q. Was not Fenlon there?—A. I do not know.

Q. Was not Stillings there?—A. I do not know that anybody was there, and I do not know but that they were all there, of my own knowledge.

Q. Do you undertake to say that Horton had neglected to attend to the case himself when his personal presence was necessary?—A. I do not know anything about it. I say that is what I stated to Rood.

Q. That is what you said to Rood?—A. Yes, sir.

Q. You were not particular then whether you lied to Rood about that as you did about Horton's absence?—A. No, I will tell you what I said to Horton. Horton told me he was not there. That is how I knew it.

Q. I do not say he was there. That is not what I asked you. I asked if you undertook to say, and did say, that he was away from that suit when his obligation as attorney required him to be personally present?—A. I did, I said that.

Q. And that by reason of that the county suffered?—A. Yes, sir.

Q. Do you not know that the United States circuit court gave judgment against the county for those bonds?—A. I do.

Q. The amount involved was \$200,000?—A. \$200,000 and the interest.

Q. Your county contracted with Judge Horton and paid him an attorney's fee of \$20,000 in county bonds for the amount?—A. That is true.

Q. Him and his associates, or him alone?—A. All that I know about that is—

Q. Do you know anything about that?—A. I know that they issued the bonds to him because I saw them.

Q. Do you know whether it was to pay his fee alone, or to pay the fees of Fenlon and Stillings also?—A. I do not. I know that the bonds were issued to him. I do not know what kind of contract there was between him and his associate counsel. I can tell you what he said.

Q. Now, to get this thing exactly right, let me ask you if Stillings and Fenlon were the attorneys employed by the county, and if Judge Horton was called into the case by Stillings and Fenlon?—A. I do not know that. I know that Horton was down there and told me he was the attorney when I saw him in my county. I know that the bonds were issued to him. I do not know any more.

Q. You do not know, then, that your county commissioners did not in fact employ him?—A. Yes, I do; if he told the truth, for he told me they did.

Q. He told you they employed him, that he was the attorney?—A. He told me he was employed by the county.

Q. Very well. When did those suits take place?—A. I do not recollect, because I was not an attorney in the case.

Q. I want to fix the time. How long ago was it that this controversy about \$20,000 and the indignation of your people occurred?—A. Probably four years or longer. I do not know; I cannot fix the time.

Q. You have not forgotten it?—A. No, I have not.

Q. And the people have not forgotten it?—A. No, sir.

Q. Have you not been active in politics during all the time of your residence in Montgomery County?—A. I have.

Q. And had the opportunity to impress your views upon the people of your county frequently, and have done so?—A. I have endeavored to do so to the best of my ability.

Q. Were you a member of the State convention of 1876 in this State, when St. John was nominated for governor?—A. I was.

Q. A delegate from your county?—A. Yes, sir.

Q. Is not Gov. St. John a popular man in your county?—A. He is.

Q. Very popular?—A. Yes, sir.

Q. A strong man?—A. He is.

Q. The Republican State convention of 1876 nominated him for governor?—A. I did not vote for him.

Q. I did not ask you about your vote?—A. He is a strong man in our county; that is true.

Q. You were in the convention that nominated him?—A. I was.

Q. Did that convention nominate Horton for chief justice?—A. It did.

Q. By acclamation?—A. Yes, sir; by acclamation.

Q. Do you know how the vote stood relatively in your county at the November election following as regards the vote for Gov. St. John and the vote for chief justice Horton?—A. I do not recollect.

Q. Let me give you the figures?—A. My impression is that Horton did not get as many votes as St. John did.

Q. About how many Republican votes did your county poll in the election of 1876?—A. I cannot tell you. I do not know.

Q. But I heard you say (which I know to be true) that you were active in political life there and well acquainted with the people of the county?—A. But I do not remember figures.

Q. Tell us something about the number of Republicans in your county, how many?—A. I do not know. I do not know what the voting population of the county is, but I know we have about 800 majority in a square mile there.

Q. Did not Gov. St. John receive the exact number of 1,287 votes for governor?—A. I do not know. The only way I would know would be to look at the official returns. That is the only way I would know.

Q. Do you not know that Horton received just 1,213 votes only 64 less than St. John?—A. I do not know it. If you asked me if I did not know that he received 1,500, I could not say but that it was so, because I do not know. I have not looked to the official returns.

Q. One thing I think you do know, that the Republicans of your county generally voted for Horton for chief justice?—A. I know that they did, and I know that I urged them to do it.

Q. You urged them to vote for Horton for chief justice?—A. I did.

Q. And yet you say he wronged your county?—A. He did.

Q. That he was guilty of improper conduct, that he neglected the interests which he was employed to defend, and yet you urged the Republicans of your county to vote for him for chief justice, the highest judicial position in the State?—A. You are putting a lot of words into my mouth that I did not say; not by any means did I say them. You can draw your own conclusions, but do not put words in my mouth, sir.

Q. That is all right?—A. I urged this as a means of beating Horton. I am willing to say that I never thought Horton was so guilty as was charged, but the men who were working in the Senatorial canvass had acted, as I thought, so unfair and so unmanly—and I will give you the reason for it—

Q. I do not want any reason given but facts?—A. Very well. I was willing to support Horton as chief justice, because I did not believe he would violate his official oath as chief justice; and I believed he had the ability and could fill the place well and honorably, and I was for him.

Q. You say that that was your belief last winter, and having supported him in the State convention and at the polls— A. I did not support him in the State convention, because it went off with a hurrah, and nobody supported him.

Q. Very well; it was by acclamation?—A. Yes, sir.

Q. Having done all that, do you undertake to say that, for political purposes, you went to Mr. Savage, who did not live in your county,

and to Mr. Rood, who did, and told them that cock-and-bull story you have related here ?—A. Cock-and-bull story ! It was God's holy truth. That is the fact about it.

Q. If it was God's holy truth, you still urged the people to vote for him for chief justice ?—A. I did, because I believed he would make an honest chief justice. I believe it yet.

Re-examined by Mr. WILLIAMS :

Q. This election at which you supported Mr. Horton was a general election, at which State officers and Presidential electors were chosen ?—A. Yes, sir.

Q. You are great hands to stick to the ticket down there ?—A. I always try to have them do it.

Q. Irrespective of the question whether Judge Horton did or did not wrong the people of Montgomery County, did not this feeling against him exist, and the belief that he did ?—A. It is there to-day. I have been the best friend about that matter that Judge Horton has had in that county, too.

TYNDALL S. STOVER, a witness called by the respondent, sworn and examined.

By Mr. PECK :

Question. Where do you reside ?—Answer. In Allen County.

Q. At what place ?—A. Iola.

Q. What position do you occupy ?—A. I am county clerk of that county.

Q. Were you here at the Senatorial election last winter ?—A. I was.

Q. Were you here the morning of the Senatorial election ?—A. I was.

Q. Where ?—A. I was at the Tefft House and in the State-house.

Q. Did you hear a conversation between Mr. Rood, a member from Montgomery County, and Mr. Hinkle, the county attorney of Montgomery County ?—A. I heard a conversation between Mr. Hinkle, the county attorney of Montgomery County, and a man who was pointed out to me as Mr. Rood. I did not know him personally.

Q. What was that conversation about ?—A. It was about his being present in the anti-Ingalls caucus the night before, and he detailed to him the transaction that Colonel Grass has spoken of.

Q. Who detailed ?—A. Hinkle detailed to him the transaction that Horton had had as attorney for that county in some bond suit, and he was urging him. I will say, however, that I had before heard Mr. Hinkle inquire for Mr. Rood ; heard that he was in the caucus, and was inquiring for him, and had sent several parties and told them to find Dan Grass and send him to Rood ; and he afterwards met Mr. Rood right near the head of the stairs, about half-way between what was then Mr. Rood's room and Mr. Ingalls's room ; I do not know the numbers.

Q. Mr. Rood's room was on one side of the parlor and Mr. Ingalls's was on the other ?—A. Yes, sir. It was right on the railing of the stairway that he met him, and he detailed to him this transaction in that county in a very earnest manner and also the opposition there would be to Horton and said to him that they would hang a man in Montgomery County who would vote for Horton, and so on. I judged somebody had been talking to Mr. Rood before, and he stated at that time that he intended to vote for Mr. Ingalls although he did it under protest. He said he did not like Ingalls, but of the two he should vote for Ingalls instead of Mr. Horton.

Q. That was the morning of the election ?—A. On that morning I

should judge about daylight. It is pretty hard in the Tefft House to tell when daylight comes during a Senatorial election, unless you are out of doors.

Q. You heard him say that in preference to Mr. Horton he would vote for Mr. Ingalls though he did not like him?—A. Yes, sir.

Cross examined by Mr. WEBB:

Q. You were here during the Senatorial contest?—A. Yes, sir.

Q. For what length of time?—A. About a week.

Q. What was your business here?—A. The same as all the sovereigns of Kansas that came up here, to see the thing. I had no particular business, merely a spectator.

Q. Advancing as best you could the interests of Ingalls?—A. In what way I could. I should have done it if I had seen any chance to do it.

Q. Did you not do it?—A. I do not know that I did.

Q. Having come up here during the session of the legislature to see that thing done, you come here now to see it done over again?—A. No, sir; that is not my business here to-day. I was not subpoenaed as a witness.

Q. Where was this conversation between yourself, Hinkle, and the man that was pointed out to you as Rood?—A. I did not take any part in the conversation.

Q. Tell me where the parties were?—A. I think Mr. Rood was sitting on the railing on the first step of the Tefft House as you pass around the stairway, and Hinkle standing in front of him with some one also talking to him sitting beside him.

Q. What time in the morning?—A. I do not recollect, because I paid out little attention, but I think about daylight or a little after.

Q. Rood was up at daylight, then, that morning?—A. I could not say as to that.

Q. Who was the man standing there?—A. I did not know any one but Hinkle.

Q. Do you know where Rood went after that?—A. I do not, because I did not know him personally and paid no attention to him after.

Q. Do you know Clark of Montgomery?—A. I do not know him.

Q. You did not see him that morning to know him?—A. No, sir.

Q. Did you go up into Danford's room while you were here?—A. No, sir; I did not know where it was. I did not know Mr. Danford.

Q. Were you around Merritt's room any?—A. I do not know that I was. I do not know Mr. Merritt.

Q. Were you in Ingalls's room?—A. Yes, sir.

Q. Frequently?—Quite frequently.

DAVID KELSO, a witness called by the respondent, sworn and examined.

By Mr. WILLIAMS:

Question. Where do you reside?—Answer. At Parsons, Labette County, Kansas.

Q. How long have you resided there?—A. I have lived at Parsons since the spring of 1875; in that county about ten years.

Q. What business are you engaged in?—A. I am an attorney-at-law by profession, and have been since the time I have resided in Parsons one of the attorneys of the Missouri, Kansas and Texas Railroad.

Q. Are you acquainted with James A. Hossack of Crawford County?—A. I am.

Q. Did you ever hear him express his preference for United States Senator, prior to the Senatorial canvass?—A. I did.

Q. Who was his preference as stated by him?—A. He stated it about this way, that there were some citizens in his district that he represented in favor of George T. Anthony, but he thought the majority were in favor of John J. Ingalls, and probably he would have to vote, to please his constituents, once or so for Governor Anthony, but he intended to cast his deciding or electing vote for John J. Ingalls.

Q. Did he state that to you more than once?—A. He did not state it so strong as that at the time I speak of. He intimated at a previous time at Girard—I met him at Girard while attending court; Girard is the county seat of Crawford County, where he resides. I saw him and Mr. Majors together, the two representatives, and there ascertained that Mr. Majors was a Greenbacker, and Mr. Hossack a Republican. That was the first time I really knew their politics, though I had met Mr. Majors before that time at court.

Q. This statement was made when?—A. When we were coming to Topeka at the convening of the legislature, between this place and Kansas City, on the Kansas Pacific Railway. He spoke about it at Girard also. He also said, in addition to that fact, that he thought Mr. Majors was a very elegant gentleman, not prejudiced at all; had previously been a Republican, and he thought he would have no difficulty in bringing him over to support John J. Ingalls also. At this time Senator Matthewson was with us on the train and some other members of the legislature as we came along.

Q. You saw Hossack frequently during the Senatorial canvass?—A. I did.

Q. Did you hear him express himself during those times to you?—A. Not particularly; I thought the company he was keeping looked a little as if he might be shaky in his course, and I expressed myself so to Senator Ingalls. Judge Perkins was a strong friend of Hossack's, having come from the same county in Illinois; I thought they had been at school together; and I said to Senator Ingalls that if anybody could strengthen him in his previous convictions in reference to his vote, Judge Perkins could; I told him that I had but a casual acquaintance with him.

Q. Were you a friend of Senator Ingalls?—A. Personally I was; the road I represented was entirely indifferent about it, and I came up on business of the railroad.

Q. Did you see Hossack about the time, or a few days prior to the final ballot, at the theater in Topeka?—A. Yes, sir; I saw him in the theater or opera house one night, I cannot say which one, but before the final ballot.

Q. Was he in company with any one?—A. I think he was between Mr. Playter of Girard, and Ed. Brown, as we called him, superintendent of the Joplin Railway.

Q. What was Mr. Hossack's condition at that time?—A. He appeared to be under the influence of liquor, and what attracted my attention was that I knew Mr. Playter to be a very sober man, and I had known Playter for a good many years, and there was nothing in him or about him that affiliates with a man under the influence of liquor; he does not touch it himself, and consequently does not like the society of a man who is under its influence. My curiosity was somewhat aroused when I saw him there; in fact, I spoke the next morning to Brown and asked him what kind of a job they were putting up for Hossack, my curiosity was so much excited about it.

Q. What did Brown say to that ?—A. He kind of laughed and went on.

Q. Did you see him leave the theater ?—A. He went out once during the performance.

Q. Did any one go out with him ?—A. I cannot distinctly recollect. There was a great deal of confusion at the ante-room, a great many were going out.

Q. Was he what you considered drunk or not ?—A. He appeared so to me. I was a little distance off. Gov. Isaac Sharp was behind them or close to them. They were joking across.

Q. So as to make disturbance or attract attention ?—A. Not disturbance; they only attracted the attention of those who knew the parties, I suppose.

Q. Were you acquainted at that time with Gov. Isaac Sharp, of Council Grove ?—A. Yes, sir.

Q. Did you see him at the theater that night ?—A. Yes, sir; he was sitting behind them.

Cross-examined by Mr. WEBB:

Q. You say you saw Hossack at the theater ?—A. Yes, sir.

Q. And saw him drunk ?—A. I would not say that. He appeared to be drunk; he had the appearance of a drunken man.

Q. You know what that appearance is ?—A. I think I do. I have seen drunken men.

Q. You say you saw him go out once. How long was he out ?—A. I do not remember that very distinctly.

Q. You saw him back in the theater again ?—A. I do not remember the circumstance of his going out, because there was some confusion, but they did get up and move towards the door.

Q. Do you remember seeing him back again ?—A. I do not as far as I can recollect.

Q. Were you up here taking a part in the Senatorial contest ?—A. No, I cannot say that I did, any very active part. Of course, I was for John J. Ingalls, and I did some little quiet work, as we call it, by talking to friends that I knew. Our road was against interfering.

Q. You were a friend of Ingalls, and you knew Ingalls's friends here ?—A. I thought I did, some of them, not all of them. I did not want to do anything that would prejudice the road I was representing. I came here really to ascertain what the sentiment of the legislature would be with reference to some hostile legislation that was had in view. The Riggs bill so called, which he afterwards introduced, was known to us somewhat, and as we understood it we were not particularly opposed to that bill, and yet we wanted to understand really the correct condition of it and the expressions of members of the legislature.

Q. I do not care to go into the Riggs bill.—A. That was the object of my coming here, and consequently I did not want to do anything to prejudice the interests of the road in any way in case it was necessary to do anything. Privately and personally, I was in favor of John J. Ingalls. I was personally a warm friend of Governor Anthony, but did not think there was any chance of his election.

The committee adjourned until to-morrow at half past nine o'clock a. m.

FRIDAY, October 3, 1879.

The committee met pursuant to adjournment, all the members being

present; also the counsel for the memorialists, and the respondent with his counsel.

JAMES W. JOHNSON, a witness called by the memorialists, sworn and examined.

By Mr. WEBB :

Question. Where do you reside ?—Answer. In Greenwood County, Kansas.

Q. Were you here at Topeka at any time during the last Senatorial contest ?—A. I was.

Q. What length of time were you here ?—A. I came here the Sunday before the first vote was taken on Tuesday, and staid until after the election.

Q. On Friday ?—A. I do not remember the day. It was the day of the election.

Q. Were you here taking any part or interest in the Senatorial election yourself ?—A. I was to some extent looking around, talking to members of the legislature and taking some interest in the election.

Q. In favor of what candidate ?—A. George T. Anthony.

Q. Are you acquainted with Senator I. O. Savage ?—A. Yes, sir; I have met the gentleman and am acquainted with him.

Q. How long have you known him ?—A. I got acquainted with him in the winter of 1877. I was a member of the house that winter, and got acquainted with him in 1877. I have met him since.

Q. Were you in the caucus that was held the night before the final vote was taken, that was called the anti-Ingalls caucus ?—A. No, sir.

Q. Were you at the capitol building that night at all ?—A. Yes, sir; I was.

Q. Were you at the capitol building at the time that caucus adjourned ?—A. Yes, sir.

Q. About what time did it adjourn, as you now recollect ?—A. They adjourned about three o'clock, is my recollection, or a little after that; that is, after Mr. Horton was brought here and accepted his nomination.

Q. Did you hear Mr. Horton's speech ?—A. Yes, sir.

Q. It was after that that the caucus adjourned ?—A. The adjournment was after that.

Q. Did you see Senator Savage there at the time of the adjournment of that caucus ?—A. I do not remember seeing him at the adjournment or after the adjournment of the caucus that night. I saw Senator Savage after the nomination before the adjournment.

Q. Before Horton came in ?—A. Yes, sir.

Q. Where did you see him at that time ?—A. I saw him on the stair-way coming down from the representatives' hall.

Q. Did you have any conversation with him at that time concerning the Senatorial candidates ?—A. Yes, sir.

Q. State what that conversation was, using his words as near as you can.—A. He came down the stairs. I asked him what was done. He said, "We have fixed it," or, "We have got it fixed"; something to that amount. Said I, "What is up?" Said he "Horton is nominated. We have got a man that we can elect," or, "a man that we can beat Ingalls with," or some remark of that kind. I do not remember the exact words. As he came down he slapped me on the shoulder and made that remark.

Q. Was that about all there was of that conversation that night ?—A. That was about all. He passed on down the stairs. He came back

again in a few minutes and we had some conversation. I do not remember what the words were. He just stopped a minute and went in. They had locked the doors then and I was standing in the stairway.

Q. Did you have any conversation with Senator Savage the next morning at any time?—A. Yes, sir.

Q. Where did you first see him the next morning?—A. At the Tefft House, I believe. That is the only place I remember seeing him.

Q. About what hour in the morning was that?—A. About nine o'clock.

Q. Whom was he with when you saw him?—A. The first I remember seeing him was with Mr. Joshua Wheeler of Atchison County.

Q. Begin with that, and state just where Senator Savage was when you first saw him yourself, with whom he was, and what conversation you had with him yourself, without any questioning; if you can?—A. I saw him and Mr. Wheeler together, going west from the Tefft House, down the street, or up the street, as you may call it. They were walking arm in arm, and were gone probably fifteen or twenty minutes, and came back again. After he and Mr. Wheeler talked a little while, I then stepped up to Mr. Savage, asked him what was the matter with Mr. Wheeler this morning. Said he, "He is on it a little this morning for Ingalls." "Why," said I, "I thought he was taking no part; the other day he told me he was taking no part in the Senatorial fight." "Well," said he, "he is for Ingalls this morning, strong." Said I, "He cannot do anything with you on the standpoint you have put to this matter." Said he, "Oh, no; I don't pay any attention to it at all." After we talked a few minutes Senator Grass came along, and took Senator Savage. They walked across the street from the Tefft House to the corner opposite, talked there a little while and came back, I think, together, and there Mr. Byron Roberts commenced talking with Mr. Savage. I think Senator Grass was at the same time along. After they were talking a little while, Mr. Danford stepped up.

Q. What Danford?—A. Osage City Danford; that is all my knowledge of the man.

Q. Go on.—A. They talked together a few minutes—probably five or ten minutes—three or four together, and Senator Grass stepped away, and Danford, Roberts, and Mr. Savage all went into the south door of the Tefft House. Mr. Savage and one of the men, either Mr. Roberts or Mr. Danford, went upstairs together, and I do not know but what both went upstairs. I followed them to the front door of the Tefft House, the entrance door, and stood and watched them until they went upstairs, and that was the last I saw of them until, after some time, I saw Senator Savage come down and go directly to the capitol.

Q. What time was it that you saw Roberts, Danford, and Savage together going into the south door of the Tefft House?—A. It was near ten o'clock, probably about ten o'clock; it only lacked a few minutes of it.

Q. The south door of the Tefft House is the one that enters the hall where there is a flight of stairs leading right up to the parlor?—A. Yes, sir.

Q. How long did they remain upstairs, or how long was it from the time you saw them going into the south door before you saw Savage out on the street?—A. I could not say positively the time. I was busy knocking around, and at the same time was a kind of watching the doings of Savage.

Q. Do you know whether Mr. Savage and Mr. Danford were acquainted?—A. I do not.

Q. You know that they were together?—A. I saw them talking together. The three were standing talking together. I cannot say anything Mr. Danford said or Mr. Roberts, but the three were standing in a group together, talking.

Q. How long did you say it was, after they entered the south door, before you saw Savage on the street?—A. I do not remember. I would say something like a half-hour, or three-quarters of an hour, or something of that kind.

Q. Did you notice where he went then?—A. The next I saw of him, after I saw him go upstairs, was to see him going towards the capitol.

Q. Do you know where Senator Savage roomed or boarded?—A. No, sir.

Q. Did you have any talk with Senator Savage after seeing him go towards the capitol?—A. No, sir.

Q. Either before or after the election?—A. No, sir.

Cross-examined by Mr. EVEREST:

Q. Do you know Mr. Danford when you see him?—A. He was pointed out to me. I do not think I have ever spoken to him, but I saw him last winter.

Q. Be kind enough to state to the committee the first name of Mr. Wheeler?—A. Joshua.

Q. How long have you known Mr. Joshua Wheeler?—A. I met him two years ago; in the winter of 1877 first, I think.

Q. He was formerly a member of the legislature, was he not?—A. I have heard so; I do not know though, only by hearsay. I met Mr. Wheeler. He is one of the directors of the State board of agriculture, of which I was also a member, and there I formed the acquaintance of Mr. Wheeler.

Q. Have you been quite intimately acquainted with him?—A. As a member of the State board of agriculture, that is all.

Q. Do you not know that he is an old resident and a very estimable citizen of Atchison County?—A. I have heard that he was an old resident.

Q. You do not know anything about him further than that?—A. Nothing, only from our meetings at the State board of agriculture.

Q. You know nothing about the talk between Mr. Savage and Senator Grass, do you?—A. No, sir; I did not hear a word of it.

Q. You do not know what they were talking about?—A. No.

Q. Were you subpoenaed here as a witness?—A. No, sir.

Q. When did you first make known this talk or what you have detailed, and to whom?—A. I made it known yesterday coming up on the cars, or after we got off the cars.

Q. Here at Topeka?—A. Yes, sir.

Q. And that is the first time you have said anything about it?—A. The first time I have said anything since last winter. I spoke of it last winter.

Q. You knew of the investigation that was going on in the legislature?—A. Yes, sir.

Q. You were very much opposed to Senator Ingalls, were you not?—A. I was opposed to him as I was to any other candidate, except George T. Anthony.

Q. You were a very strong friend of Anthony's?—A. Yes, sir.

Q. You know that in the Senatorial contest Mr. Anthony was one of the strong and bitter opponents of Senator Ingalls, do you not?—A. He was working for himself, as I understood, and I suppose he was opposed

to any one that was opposed to him—that is, he was working for his own interest.

Q. Did you tell the evidence you have detailed to Governor Anthony yesterday or last night?—A. No, sir; I have not spoken to him about it at all.

Q. You are positive that Mr. Danford was talking with Mr. Savage in front of the south door of the Tefft House that morning?—A. I say he was standing in company with parties that were talking with him. I would not state what Mr. Danford said. Some words I heard Mr. Roberts speaking to him, but I do not remember the words now.

Q. They were talking there, three or four of them, together?—A. Yes, sir.

Q. And talking loud enough so that you heard some of the conversation?—A. I heard some of the conversation of Mr. Roberts.

Q. Where were you standing, and how far from them?—A. Probably the length of this table. (Indicating.)

Q. Were there other gentlemen also standing about there?—A. I suppose there were. They were passing and standing about.

Q. Was it not a fact that the morning of the election the Tefft House was surrounded almost by a mob?—A. They were all around the Tefft House that morning.

Q. At the door where you saw them speaking, was there not a large number of gentlemen also standing around as near as you were?—A. I do not remember; there were some, I know. Whether it was a large crowd at that time, I do not remember.

Q. Was there not a number of gentlemen standing particularly near them, and as near as you were?—A. I think there were some parties.

Q. Will you be kind enough to state to the committee the names of the other gentlemen that were standing as near as you were?—A. I do not remember any of them.

Q. You were a stranger to Mr. Danford?—A. Yes, sir; that is, I knew Mr. Danford by sight.

Q. You had some slight acquaintance with Mr. Savage, you say?—A. I had been well acquainted with Mr. Savage in the winter of 1877, when I was a member of the legislature.

Q. He was a member of the legislature also?—A. He was in the senate then.

Q. You cannot give the names of any of the gentlemen, or a description of them?—A. I cannot remember. I probably knew some of them, but do not remember who they were.

Q. Can you tell the time of day of this conversation?—A. It was between nine and ten o'clock.

Q. How do you know that fact; did you take out your watch and examine it at that time?—A. No, sir. I went away and was gone a little while, and came back about nine o'clock. I went down to Poppendick's and came back about nine o'clock, and it was after I came back.

Q. And you had no conversation with Senator Savage afterwards?—A. No; not after they were talking together.

Re examined by Mr. WEBB:

Q. You answered counsel that you were not subpoenaed here. What was your purpose in coming to the city?—A. I had some private business that I came here for.

Q. Did you come here to attend the soldiers' reunion?—A. Not particularly. I came yesterday on account of that. I came on private business, and came on account of that, and also on account of a meeting

of the anti-horse-thieving State convention; was sent here as a delegate to that convention, which met here yesterday. I had private business that I came here for, but I would not have come here till next week but for the soldiers' reunion and that convention.

Q. Counsel asked you in regard to other gentlemen being near Senator Savage, Danford, and Roberts, and asked you to designate them if you could. I understood you to say, and I ask you if that was the fact, that after that conversation with Senator Savage you were particularly watching his movements and the persons with whom he was associated?—A. Yes; I was watching him to some extent, noticing his movements.

Q. You said you also went to the door of the Tefft House when they went into the south door?—A. I went to the door that entered the hall—the south door of the Tefft House.

Q. You entered the same door that they did?—A. I did not step inside; I just went to the door.

Q. What was your purpose in doing that?—A. To see where Mr. Savage was going.

Q. Then you are not mistaken about his going into that door with Mr. Danford and Mr. Roberts?—A. No, sir.

Q. Counsel asked you when you first disclosed this fact. I ask you if you knew prior to your coming to the city yesterday that Senator Savage had testified that he did not know Mr. Danford?—A. No, sir.

Q. Did you know that he had testified he did not know Mr. Roberts until you came here yesterday?—A. The first knowledge I got was from the paper on the train, and reading his testimony just before we stopped at the depot.

Q. Then you had been reading Senator Savage's testimony?—A. I was reading it when the train stopped at the depot.

Recross-examined by Mr. EVEREST.

Q. You say you had been acquainted with Senator Savage for two years?—A. Yes, sir.

Q. Had you known him quite favorably?—A. I had met Mr. Savage as a member of the legislature, and had met him as one of the directors of the State Board of Agriculture; we were west on an excursion trip, and I was with him there. Last winter I met him on the State Board of Agriculture again as one of the directors, and I met him at the Senatorial contest. That was about the acquaintance I had with him.

Q. You knew Joshua Wheeler well?—A. Yes, sir.

Q. Knew him favorably?—A. Yes, sir.

Q. As a citizen of Kansas?—A. Yes, sir.

Q. Do you state to this committee that you regarded the matter of Mr. Savage talking with those gentlemen of sufficient significance for you to act as a spy or sentry upon their movements?—A. Well, that morning there was a good deal of excitement, and seeing him talking with them called my attention to it, and I made it a specialty to notice the movements.

Q. Were you placed as a sentry or spy by any one on the action of any member of that legislature?—A. No, sir.

Q. You were a friend of Horton that morning?—A. Yes, sir.

Q. And you had been a strong friend of Anthony's?—A. Yes, sir.

Q. Very strong?—A. Well, I will say strong.

Q. And there was no one watching you to see why you changed, was there?—A. Not that I know of. There might have been.

Q. Did you play the spy upon the friends of any other candidate than Senator Ingalls?—A. There were only the two candidates that morning.

Q. Did you, while you were here, act as spy on the friends of any other candidate?—A. I was not selected to be or spoken of, nor was I as to Mr. Savage. No one spoke to me about it.

Q. This is the only time you acted in that capacity?—A. I was knocking around the Tefft House almost all the time; I was there day and night, except when I was off asleep or off somewhere else.

Q. Now, I ask you again if it was not a fact that there was an immense gathering of people that morning at the Tefft House; that the office was filled with people, and also the sidewalk was crowded with people about the Tefft House?—A. At times.

Q. At that time, between nine and ten o'clock?—A. I should think it was at that time. I would not say positively, but it was most of the time.

Q. Do you say that you were as near as across the table before you now, and there was no one between you and those gentlemen at the time you have spoken of?—A. Well, I was not standing still; in fact, I was not trying to listen to hear their conversation, and I cannot remember any of the conversation between Mr. Roberts and Mr. Savage that morning.

Q. You heard other gentlemen talking, did you not?—A. They were talking.

Q. You joined yourself in the talk over the Senatorial matter, did you not, with different parties?—A. Yes, sir.

Q. About how long do you say those four gentlemen stood there together while you were watching them?—A. I do not know how long Senator Grass remained there; probably he only just came up there with Senator Savage and passed away. I do not know that he staid there any time.

Q. Do you know whether Senator Grass had seen Mr. Savage that morning before this time?—A. I do not know anything about it.

Q. You remember the isolated fact of seeing these men there together, Grass going away, and some gentlemen going upstairs with Mr. Savage. Is that all the fact you knew that occurred at that time between those gentlemen?—A. Yes, sir.

Q. Did you regard it as very remarkable that some one went upstairs in the Tefft House that morning during that Senatorial contest?—A. It depended upon how they went, to some extent.

Q. Supposing they walked up the stairs ordinarily?—A. That is the way all went.

WALTER S. WAIT, a witness called by the memorialists, sworn and examined.

By Mr. WEBB:

Question. You reside in Lincoln County, in this State, do you?—Answer. Yes, sir.

Q. How long have you resided in Kansas?—A. I have resided in Kansas something over eight years—eight years last June. I have resided in Lincoln County seven years last March.

Q. Were you a member of the last house of representatives of Kansas?—A. I was.

Q. Representing the county of Lincoln?—A. Yes, sir; district No. 112.

Q. Where did you board while you were in Topeka during the session

of the legislature?—A. At Mrs. Rankin's; it is west of the Tefft House about three or four blocks.

Q. Were you acquainted with the member of the house from Ellsworth County?—A. I am.

Q. What is his name?—A. Commonly known there as Harry Anderson. I think his initials are H. T.

Q. How long have you known him?—A. The first I saw of him was when I was coming to the legislature last fall. About the last of December or first of January I met him in Ellsworth, at the printing-office of the Ellsworth Reporter.

Q. Do you know where he boarded while the legislature was in session?—A. He boarded at the same house and place that I did.

Q. Did he room with you?—A. He did.

Q. Did you have any conversation with him at any time early in the session in regard to Senatorial matters?—A. Yes, sir; frequently.

Q. Who was his choice for Senator as he expressed it himself?—A. Well, I think his first preference, as I recollect, was for Colonel Phillips, although he did not seem to think there was any chance for him, and was advocating the cause of Ingalls to a certain extent, in fact considerably.

Q. What was your position in regard to the Senatorship?—A. My position was a little peculiar. In my county I was elected really as an anti-Phillips man. There had been no expression with regard to whom I should support.

Q. I do not ask about the people. I am asking your individual position.—A. My strong personal preference was for George T. Anthony and opposed to Phillips.

Q. Had you admitted for whom you would give your first vote when you come to Topeka?—A. Well, pretty much.

Q. For whom did you intend to give that vote?—A. I rather expected, when I first came to Topeka, to give it for John J. Ingalls.

Q. Having said that Mr. Anthony was your preference, and having stated that fact, state why you came to that conclusion?—A. I was rather of the opinion that the majority of my people wanted me to support Ingalls. They did not regard some charges made against him in the same light that I did; but after coming to Topeka there was sufficient proof to my mind to satisfy me that these charges were true, and that if they were before my people they would not indorse him themselves at all. Since then I am satisfied of it.

Q. State whether you had any conversation with Mr. Anderson later; that is, about the time the houses were to vote for Senator.—A. Yes, sir; frequently.

Q. State your conversations from that time on and the interviews which you had particularly with Mr. Anderson, running clear down to the time of the final vote.—A. We had frequent interviews, but each and all of them I cannot particularize. There is some of them more important.

Q. I do not ask you to detail conversations, but to state his position at different times.—A. He said he wanted to support the winning man whoever that might be, and he seemed to settle down upon the conclusion that Mr. Ingalls was going to be the winning man.

Q. About what time was it, in reference to the final vote, that he last expressed himself to you in that way?—A. Those expressions were common from the time I first got acquainted with him; it was all the time, and he seemed to think that he was going to be the winning man. He said he was going to support the winning man, and he seemed to be of the opinion that Ingalls was going to be the winning man. The night be-

fore the final vote was taken he came to my room about two or three o'clock; it may have been later. I was wakened up from my sleep by him. I cannot judge exactly the time; but it was dark yet, it was not daylight. In reference to a conversation we had had a little while before, he wanted to know if I was going to stand by what I had said, and he told me of the result of the caucus that had taken place that night.

Q. What caucus was that?—A. The anti-Ingalls caucus.

Q. Were you present at that caucus?—A. I was not. I did not choose to go into that caucus.

Q. What did he tell you when he came to your room about the result of that caucus?—A. He said that Horton was nominated; and that being a different result from what I had expected, I told him that that put a different phase upon it; that it did not look to me as though I could support Ingalls under those circumstances, with Horton as the main one against him.

Q. What further was said at that time between you and him as to how you should finally vote?—A. I told him a great many of my people wanted Ingalls, and I believed a majority of them did, and it was a difficult matter for me to decide as to whom I should support; I knew Horton to be a good man; one that bore an excellent reputation; I certainly felt as though I ought to support him, and still, my people feeling as they did, I wanted to support Mr. Ingalls too; but if they knew all the circumstances as I did, I did not believe they would ask me to support him.

Q. Did you come to any conclusion?—A. Not that night; at least I did not express any; I had really about formed my mind as soon as I knew Horton was nominated to support him, though I did not so express myself at that time.

Q. What did Mr. Anderson say to you about committing yourself?—A. I told him I should remain open to conviction until noon, and then he told me not to commit myself; he stated there would be a visiting committee down to see me that night, and not to commit myself until he saw me again in the morning after daylight, and by that time he would know who was going to be the winning man, and he would come and report; he said he was going to support the winning man yet.

Q. You say you and he roomed together; did he go to bed?—A. No, he did not; he came back to town again, I suppose; he said he was going to town.

Q. Did any visiting committee come to see you before daylight?—A. They did.

Q. Who were they?—A. Dr. Hodge, and Hamilton, of Norton, I think.

Q. How long did they stay?—A. They staid but a short time.

Q. Whom were they for for United States Senator?—A. They were for Horton.

Q. Both of them?—A. Both of them.

Q. What occurred next morning?—A. The next morning after breakfast we were, several of us, sitting in the parlor. Mr. Anderson's room and mine was adjoining the parlor. General Bull was there, and I do not know, but I think Mr. Brown, of Mitchell, was there.

Q. Who is General Bull?—A. The member from Osborne County; Mrs. Rankin and her daughter were there, and some other parties, perhaps Captain Thrasher; the boarders in general were in the parlor. Mr. Anderson came in and spoke to me and called me into our room; I went in with him, and while there he brought up the Senatorial matter again.

Q. What did he say to you?—A. He wanted to know what I had de-

terminated upon; and, by the way, to go back some distance in connection with this matter, I will say that my opposition to Ingalls was based on the ground of the stories of corruption that were circulated about him, and I always expressed a belief, to a certain extent, in those stories, and he often said that they were all corrupt. Said he, "You need not look for anything else in politicians, they are all corrupt." He at one time said he had been offered a thousand dollars for his vote.

Q. That was before he came to you that morning after breakfast?—A. That was several days before; he said he had been offered a thousand dollars for his vote. That morning, when this question was again raised, he said again, "They are all corrupt; both sides are using money freely; I have been offered now—this has been this morning—I have been offered a thousand dollars to vote for Horton."

Q. State all the conversation that occurred in that time between you and him that morning.—A. He said that they were both using money, and Ingalls had got the most and was going to be the winning man, for he had the most money.

Q. Did he say how much money Ingalls had?—A. Yes.

Q. How much was it?—A. He said they were going to use \$20,000; they had used \$10,000 and had \$10,000 more to use, and he was going to make it.

Q. Make what?—A. Make the Senatorial election. That is what he had reference to, I suppose. That was the expression used, that he was going to make it.

Q. In that connection, state whether there was anything said by him to you about your getting anything for your vote if you wanted it.—A. Yes, sir; that came around then. He had been throwing out these things that they were both using money, and also he had been using money pretty freely himself. When he first came down he was very hard up, so he said; and then he seemed to have a good deal of money, and said he had made it sometimes gambling, and had struck one man who owed him a large amount of money, and he had got that from him, he said. That was the way he expressed it to me. He kept throwing out hints that both sides were using money. Then of course he was admitting that his side was, and I thought that was a very strange and queer admission, and I thought he was doing it for effect, and for that reason I wanted to see what his object was. As a kind of feeler, I said, "Well, Mr. Anderson, they have not been offering to me any money yet." He looked at me a moment, and said he, "Mr. Waite, would you be offended if I should make you an offer." "Oh, no," said I, "I would not be offended at all." I was satisfied what he was up to, and I preferred to get to the bottom of it. Said he, "Now, you can get \$500 for your vote; they are all using money, and you may just as well have it as anybody else." Said I, "Where is your money?" "Well," he said, "you wait till I go up to the Tefft House and I will get it for you: will you be here?" Said I, "No; I do not expect I shall." I was desirous of communicating the matter to some other parties, and I did not wish to remain there at that room till he came back from the Tefft House. I wanted to let other parties know what was going on. There were other things said; I do not get them right just now in my mind in that connection.

Q. He said you could get \$500 for your vote?—A. Yes.

Q. Did he say for whom?—A. For John J. Ingalls, and right in connection with that I will say that he said, "it don't go out that Ingalls pays that money; he don't touch it; he has it arranged with his agents, with men selected for the purpose of having this money, and of course In-

galls don't see it, but it is used for him"; and said he, "I don't know why they have selected me, except it was that I gamble sometimes and am considerably on the sport, and they think I would be a more suitable person to use it," or something to that effect. "Well," said I, "bring on your money." He started off. I said, "I will be up at the Tefft House after a while." He wanted to know if I would remain there at the room. As soon as he had gone, General Bull came into the room very anxious to know what was up in the Senatorial matter, as he thought Anderson had something to communicate to me relative to it. He asked me what Anderson wanted. Well, I told him just what he wanted; told him the whole circumstances; what had transpired. "Now," said I, "what are you going to do?" I told him "they are using money and it is time something has to be done." It was very equally divided between him and Horton, from the best I could learn, so that a few votes would tell the tale. I told him something should be done in this matter to counteract this influence.

By Senator BAILEY:

Q. Did you tell Bull what had passed between you and Anderson?—A. I did. I told him the whole thing, the whole conversation just as near as I could. Then I went up to the Tefft House and when I got up at the head of the stairs, I looked around for Anderson to see him. I wanted to go into Anthony's room and I really did not want Anderson to see me go in there just then. I looked around to see if he was anywhere in the hall. Several rooms opened into this hall; Anthony's room and I think Pomeroy's did too. I was not very familiar with the rooms there, any more than Anthony's. I had been in Anthony's considerable, and one room that I supposed was Ingalls's, but I have since learned was Mr. Merritt's, opened into the same hall. Anderson came out of this room that I suppose now was Merritt's room, at least it was the south room on the right hand side of the hall. He came out of that room and came towards me and came up to me and said, "Are you ready to do that?" "Yes," said I, "where is your money?" "Well," said he, "You stay here and I will go and get it." Said I, "I don't know that I will stop here; I want to see a party and I will be back here in half a moment." I stepped then into Anthony's room, and I think I told Governor Anthony about this matter right there; at least I inquired for General Guthrie. Guthrie and I were very intimate and we had worked together considerably in political matters, and I wanted to tell him of it.

By Mr. WEBB:

Q. Who is Guthrie?—A. He was a man working in the interest of George T. Anthony.

Q. Was he W. W. Guthrie, senator from Atchison County, an anti-Ingalls man?—A. The same one. No, he never had worked for Anthony; I was mistaken in that. He was very favorable to Anthony, but had been casting almost the only vote for Horton all the time. I told him of what transpired and I had also mentioned this matter to Anderson, to and bring it in I shall have to go back again.

When I told General Bull of his offering me \$500 I said, "What had we better do." Said he, "Take the money first; if he offers me \$500 I will take it and vote for Horton, and then we will decide what to do in the matter." When I came up to the head of the stairs and Anderson came to me in the manner he did and said, "Are you going to do this?" I said, "Yes; where is the money?" and I at the same time told him I had found another man for him; that General Bull said he would take \$500. That

is what I said to him "General Bull says he will take \$500." Then he went up apparently for the money, and I went into the room and told Guthrie that they were using money and that something had to be done, that General Bull and I had a chance to take in a thousand dollars of their money, and what had we better do. Said he, "Take it, and then vote for Horton, and we will look after that matter afterwards." I came out then as soon as I could. I did not wish to have Anderson see where I had been. I came out as soon as I could and came near the head of the stairs and waited a moment, and Anderson came again out of this same room that I suppose was Mr. Merritt's. He had on an overcoat, a kind of Ulster overcoat with side pockets, long pockets cut up and down, opening at the side in this manner (indicating), and came out with his hands in his pockets, and came right from this room and came to me and said "Let us go back here." We went around in a back way through a hall leading to the west, and near the end of the hall was another small hall leading up to the north, and in this back hall there was a window at the end of it, a low window with a wide sill, and we sat down on the sill. He says, "Here is the money," and drew it out of a side pocket. It was in bills, all straightened out, that did not look as though they had been rolled at all. They were smooth, but still they were old bills. That was the position they were in, and they had a band around them. Said he "There is \$500; I have not counted it, but I am satisfied there is \$500." We sat at the same table in the hall, and, said he, "When you vote for Ingalls, I will have this roll in a paper and hand it under the table to you, and nobody will see it, and it will be all right." I wanted to get hold of the money; it would be good evidence, and I rather insisted it should be paid there. I told him that was too thin to have that paid afterwards. Said he, "You know it is all right; I will pay it to you just as soon as you vote for Ingalls." I saw there was no getting hold of it then, and I kind of apparently acquiesced in it as if that was all right. Said I, "Will you see General Bull? He told me he would take five hundred; he is hard up; he is in debt and needs money." "Well," said he, "if he is in debt I can bring him; how shall I approach him?" Said I, "Go right at him straight; it will be all right; I have talked with him." "Well," said he, "where will I find him?" Said I, "He is down in the room; I left him down there." We came out and I saw Guthrie and told him of the result, and I stayed around there a little while. I think then a gentleman came to me and wanted to see me in this same room; another man wanted to see me; I think it was the probate judge from Montgomery County wanted to see me there.

Q. After Anderson showed you that \$500, you say you saw Guthrie. Did you tell Guthrie then all that occurred at that time?—A. Not in detail, but mostly; and also when he showed me that \$500 he at the same time also pulled out another roll of bills from his pocket, and it looked to be nearly as large as the other roll. It may have been of smaller denominations, but he only said there was \$110 in that.

Q. Where was that?—A. Back in that little hall, at the same time that he showed the first package.

Q. What did he say concerning that \$110?—A. He said, "Here is \$110 I took in last night"—at some kind of a game; I forgot what it was, some gambling game—and I said, "How?" He said he put in \$5 and drew out \$110 from it.

Q. Was that all that was said about that \$110 then?—A. Yes; I believe that was all that was said about that. Then I started, after going into this room, to talk with this probate judge—he was electioneering

against Horton, and I stopped there but a moment. I was in a hurry. I wanted to get down to see General Bull before Anderson did. I started down the street and on the way to Mrs. Bankin's, our boarding-house, I met General Bull coming up. I asked him if he had seen Anderson yet, and he said he had not. "Well," said I, "he is going down to see you in reference to this matter." Said he, "It is late now and I will not wait; we had better go on up and see if we can get in there; there will be a terrible jam, and we had better hurry up to the State-house." We got up to the State-house. He had some business in the secretary's office, and when we got to the second floor he left me and went into the secretary's office and I worked my way upstairs through the crowd and got to my seat. There was a couple of ladies there who wanted to get seats, and I gave them my own, and Mr. Anderson's was vacant, and one of them occupied his seat. After we had been there for some time—it seems to me the balloting had commenced—Mr. Anderson came back! I was sitting on the end of the table, and while I was sitting there Anderson came. I think it was after the balloting had commenced or somewhere about that time, and he had no seat and was standing around loosely; ladies were occupying his seat as well as my own. He was watching me seemingly, quite closely, standing near me. The balloting was going on. I was keeping a tally. I think the senators were voting then. After a while, the senators being through, we commenced with the house roll. Mr. Bull's name came very early in the alphabet and he voted.

Q. How did he vote?—A. He voted for Horton; and Anderson said, "Damn it, Bull has voted for Horton," standing right by me. He expressed a good deal of surprise at Bull's voting for Horton, though he had voted in opposition to Ingalls all the time. I kept on with the tally. The vote kept going on. He was standing around one place and another, and it seems to me he left then and was gone quite a little while from that place. I am not positive which direction he went, but I think he moved to the east, back of the seat to the east of me; was gone a little while, and as it came along down toward my name he came back and stood up by the table. I was sitting on the table. He stood there and said, "Vote for Ingalls and the money is ready here," standing with his hands in his side pocket; said he, "Vote for Ingalls and the money is ready here." When I voted I voted for Horton. Said he, "Damn it, you had better have voted for Ingalls; you missed that"; and expressed a good deal of chagrin and surprise at it. That is about all that transpired that I can recollect now up to the time of the balloting.

Q. State whether you called on Mr. Ingalls at any time?—A. I did not.

Q. State whether or not you were invited to his rooms during the Senatorial canvass?—A. Yes, I was invited to go and call on Mr. Ingalls; was told that he could put all things right in regard to those stories which had been circulated about him.

Q. Who told you that?—A. Anderson and Mr. Brown, of Mitchell, I think, had spoken to me about it. I will not be certain that Brown ever asked me to go up there, but Anderson frequently spoke to me about going up.

Q. What Mr. Brown?—A. Mr. Charles Brown, member of the house from Mitchell County.

Q. Did any one besides Anderson, that you remember distinctly, invite you to Ingalls's room?—A. I do not recollect any others.

Q. Did he invite you often?—A. Yes, he spoke frequently about my

going up and seeing him, that Mr. Ingalls wanted to see me. I told him I had no business with Mr. Ingalls; if Mr. Ingalls had any business with me he could come to me.

Q. Did Mr. Ingalls come to you?—A. He did one night, I think, about nine o'clock.

Q. To Mrs. Rankin's?—A. Yes, sir; where I was boarding. I had a pleasant conversation with him. He talked some with reference to the charges that had been preferred against him through the press.

Q. Do you remember whether Mr. Anderson's name was mentioned in the conversation between yourself and Mr. Ingalls?—A. No, sir; I do not think it was. Mr. Brown came down with him that night. I am quite certain it was Brown.

Q. What Brown?—A. Mr. Brown, of Mitchell, came down and introduced him to me.

Q. How long did he remain?—A. I should say perhaps half an hour. That was three or four or five days before the final vote—some time before.

Cross examined by Mr. EVEREST:

Q. What county did you represent?—A. Lincoln County.

Q. How many members of the house were there from Lincoln County?—A. One only.

Q. When you came here you knew that the people of Lincoln County were favorable to Mr. Ingalls's re-election?—A. I did not. That was guess-work. I guessed they were. My opinion was that they were rather that way.

Q. You say you did not know that?—A. I did not know it.

Q. Then why was it that you stated in your examination that you thought if the people of your county knew what you had heard about Ingalls they would change their sentiments?—A. Because I thought then that they were favorable to Mr. Ingalls; I thought they were.

Q. But you did not know it?—A. I never knew it; I could not know it; there was no way of knowing; there had never been any public expression from the people.

Q. When you came here had you any conversation with members of the legislature as to your preference for Mr. Ingalls?—A. I never had any personal preference for him.

Q. Did you not state to C. J. Brown and others that you were going to vote for Mr. Ingalls?—A. I told Mr. Brown the night before the final ballot was taken, when there was an anti-Ingalls caucus being held; I refused to go into that for certain reasons, and I told him that I thought I should have to vote for Ingalls.

Q. You say that when Mr. Anderson first had the talk with you, the morning of the final ballot, you told him you would remain open until noon for conviction?—A. Yes, sir; that I had till then to decide on the matter—to conclude what I would do.

Q. Did you not state in your evidence that you would remain open until noon for conviction?—A. Well, it was about to that effect; yes, sir; that I had until noon to decide upon the matter, or words to that effect.

Q. Did you room at the Tefft House?—A. No, sir.

Q. You were frequently at the Tefft House during the Senatorial canvass?—A. Not very frequently. I was not very well, and did not go around there a great deal.

Q. But you had made up your mind to wait until noon for conviction. Did you visit room No. 12 in the Tefft House?—A. I do not know whether I did or not. I do not know which is 12.

Q. Supposing this to be the plan of the Telft House (exhibiting a diagram), the room on the second floor here (indicating) was Anthony's room; here was No. 12 (indicating); here is the stairs going up from the main entrance (indicating). Did you visit that room? That was Horton's room.—A. Yes, sir.

Q. Did you meet one E. B. Purcell of Manhattan there?—A. I am not acquainted with him.

Q. You did not go at all into that room?—A. Not that I know of. I saw Mr. Horton and Mr. Guthrie in there, and it seems to me there was nobody else in there; but it does seem so, too, that Mr. Horton was talking with another gentleman when I went in.

Q. That is the room you visited, then, while you were under this theory of conviction, was it?—A. That is, from the time I saw Anderson up till noon?

Q. Yes, sir.—A. I was in that room.

Q. How frequently did you visit that room?—A. I was in there just barely once, and about half a minute or a minute at that time.

Q. Is it not the fact that Mr. Purcell, of Manhattan, paid you \$100 for your vote for Mr. Horton in that room that morning?—A. Not at all; no, sir. I did not see Mr. Purcell. I never saw him.

Q. Do you say you received no money for your vote in room No. 12 that morning?—A. Certainly I say so.

Q. Did you not receive \$100 for your vote for Albert H. Horton in room No. 12, the morning of the last ballot?—A. No, sir.

Q. And had you not already been paid \$100 before that?—A. No, sir; I never saw Mr. Purcell, and do not know him if I should see him. I never saw him to know him.

Q. You came here, then, with no convictions for Ingalls?—A. Not as to my personal preference.

Q. But you came here as a friend of Anthony's?—A. I was always a friend of Anthony's.

Q. You knew that the union caucus, as it was termed, that was held at the capitol building, was for the purpose of uniting on a candidate of the several persons who were opposing Ingalls, did you not?—A. Yes, sir.

Q. You knew that Governor Anthony's rights would be submitted to that caucus, also, did you not?—A. Yes, sir.

Q. You did not know but what he would be the candidate, did you?—A. I did not.

Q. You say you were an avowed friend of his, and yet did not attend that caucus?—A. I say that now.

Q. Then, up to that time, you were still under conviction, were you?—A. Well, in certain directions I was, and in certain directions I was not. If you wish for an explanation, I can give it.

Q. Answer my question, if you please. Did you not tell Senator Ingalls, in the talk you had with him, in the presence of Mr. Brown, that at any time that he developed a majority or received a majority of the republican votes in the legislature, you would support him?—A. In the caucus?

Q. Yes.—A. It was rather my opinion that I would.

Q. Did you not say so to Senator Ingalls?—A. I am not certain that I did; yet still I might, because I talked such things. That was my intention.

Q. You recollect of his being at Mrs. Rankin's?—A. Yes, sir.

Q. And spending about half an hour with you?—A. Yes, sir.

Q. You recollect Mr. Brown's being there?—A. Yes, sir.

Q. You recollect all the pleasant conversation you had with Mr. Ingalls?—A. Yes, sir.

Q. Now, I ask you whether you did not state at that time to Mr. Ingalls that he could rely upon your vote at any time that he developed strength which was a majority of the Republican votes in the legislature?—A. I rather think I did.

Q. Did you ever notify him to the contrary?—A. No, sir.

Q. Did you notify his friends to the contrary?—A. That I would not support him?

Q. Yes, up to the time of this conviction?—A. Well, I do not know that I had, and I do not know but that I had.

Q. Did you not know of the charges that were being published in the papers outside of this State at the time you stated that to Mr. Ingalls?—A. I knew of the charges, but I had not seen the proof so much up to that time.

Q. You say you had pledged yourself that night to him?—A. To Mr. Ingalls?

Q. Yes.—A. Under certain contingencies.

Q. The contingency of his receiving a majority of Republican votes in the legislature?—A. Yes, under the same light we were under at that time.

Q. And you never afterwards notified him that you were hostile to him?—A. No, sir; I never was hostile to Mr. Ingalls personally.

Q. And yet you state that his friends were around trying to buy you, and that you agreed to accept the bribe?—A. Accept the bribe! No, sir. Now, hold on! I never agreed with his friends to vote for him. When that money was offered to me, I promised them I would take the money, and I had reasons for it.

Q. You say that afterwards Mr. Anderson offered you so much money for your vote for Ingalls?—A. Yes, sir.

Q. And you told him you would take the money?—A. I told him I would take the money, and I went and told Mr. Bull so.

Q. Still you say that was no contingency of voting for Ingalls?—A. Certainly not. I did not tell Mr. Anderson I should vote for Ingalls—that very fact. I rather think if Mr. Horton had not been nominated I should have voted for Mr. Ingalls. If certain men in that convention had been nominated, I certainly should have voted for Mr. Ingalls. There was one man in particular that I believed would be nominated the night before, and that was the reason I did not go into that convention.

Q. Now answer my question.—A. I thought I was doing it.

Q. You say that after this talk about money at Mrs. Rankin's you were still under conviction until noon?—A. I did not say I was under conviction till noon; no, sir. I said that I had until noon to consider the matter. You might call it under conviction, of course. I had room to consider.

Q. I ask if your convictions against Senator Ingalls did not first appear to you in room No. 12?—A. Not a bit of it.

Q. When did you change your mind?—A. The very moment when I became determined not to vote for Mr. Ingalls was when Mr. Anderson offered me money to vote for him.

Q. And still you told him you would take the money?—A. I did.

Q. And you were not insulted, but took it as a joke?—A. He had insulted me a good many times before that by his insinuating talk, and I wanted to draw it to a focus.

Q. Now, I ask you if you had knowledge of all these facts when you

went into that joint convention and cast your vote for United States Senator? Had you then knowledge of all these facts that Anderson told you?—A. The last joint convention, you mean?

Q. Yes, sir.—A. The joint convention?

Q. Yes, sir; at the time of the last ballot?—A. The final vote for Senator in the legislature?

Q. Yes.—A. Certainly I had knowledge.

Q. You did not say anything about them in that convention?—A. No, sir.

Q. You were a representative in the legislature?—A. Yes, sir.

Q. Representing Lincoln County?—A. Yes, sir.

Q. You were the only representative from Lincoln County?—A. Yes, sir.

Q. And knew of these facts when you rose in your seat and announced your vote for United States Senator?—A. Yes, sir.

Q. And you did not disclose them to any member of that legislature or of that convention except General Bull?—A. And General Guthrie.

Q. Was he a member of the legislature?—A. Yes, sir; he was a member of the senate.

Q. Did you to anybody else? Did Mr. Bull or General Guthrie say anything about the matter to that convention?—A. I think not; I did not hear them.

Q. Nothing was said about it?—A. No, sir.

Q. And yet you had the information that there was ten or twenty thousand dollars being scattered around here to corrupt the legislature, and you, a member of that legislature, sat silently in your seat while that ballot was being cast and voted without ever disclosing it?—A. I did. We had a York scrape here once.

Q. Were you in that?—A. No, sir; I was not. I learned better than to get up and make a public declaration of that thing in that way.

Q. That was the reason, was it?—A. That was it exactly.

Q. When did that appear to you?—A. About the same time it occurred, or a short time afterward.

Q. You knew of the York transaction, but were still willing to take money yourself? Is that it?—A. Well, if I had taken the money I should have taken it to keep it from being used against us, and let my friends know.

Q. Was not that just what York did?—A. It was, and he did right.

Q. Then you were playing York?—A. York did right, too.

Q. You were playing York with York's experience?—A. I did not play the full thing; I did not get the money—that was one part of it—and I did not make a public declaration of it in the house either, as York did.

Q. Now, answer my question, if you have got through your speech. You say you followed Anderson up to the Tefft House after he had offered you money?—A. Yes, in the way I told you.

Q. You followed him up to the Tefft House?—A. I went up, not to see him, but to tell Guthrie and others of my friends, and those who were working politically in the same road I was, what was up.

Q. Why did you go up to tell them?—A. I went up to tell Guthrie, because he was managing principally the anti-Ingalls movement, and to let him be posted on what was going on.

Q. That was it?—A. That was the object.

Q. And Guthrie, as your political adviser and keeper of your conscience, advised you to take all the money they offered you?—A. He told me to take that money.

Q. Was he to share it with you?—A. No, sir; General Guthrie stands too high in the estimation of the people of this State for that.

Q. We will not go into a eulogy of him. You say he told you reasons why he opposed Senator Ingalls?—A. Guthrie did?

Q. You stated so.—A. No, I did not; although I will say now that he—

Q. No matter as to that. State to this committee what particular time or place it was, after you had been offered this money and while you were under conviction, that that peculiar conviction came to you to oppose Ingalls.—A. The very moment that Mr. Anderson offered me that money.

Q. Then you lied to him when you said that you would hold it under advisement, did you not?—A. No, sir; he had not offered me the money when I told him I would hold it under advisement. When I told him that, it was the night he came down there and told me Mr. Horton was nominated; I told him then that I had until noon to consider the matter, and I would hold it under advisement. When he came to me and offered me that money, that decided me, sir, as it would decide almost anybody.

Q. If you are through with that, answer my question. Did you not state that after that conversation in the room that morning with Anderson you then told him you had until noon to decide upon it, and you would hold yourself under conviction?—A. Which time in the morning? There were two mornings to this matter. He first came to me before daylight—I think it must have been morning then, but before daylight, perhaps two or three or four o'clock, somewhere along there; that was the time he came to me first. I told him then that I would have until noon to consider the matter over. If Horton was nominated it placed a different phase on the subject from what I told him the night before when I said I thought I should vote for Ingalls.

Q. What time was this?—A. In my room at Mrs. Rankin's.

Q. At what time?—A. Two or three or four o'clock. It may have been four or may not have been more than two o'clock.

Q. Which will you have it, one, two, three, or four?—A. I do not have it either one, because I do not know. I was wakened up from my sleep, and did not examine the time to see what hour it was.

Q. That was the first talk you had with him in that room?—A. The first talk after the nomination of Mr. Horton.

Q. When did you have the next talk with him there?—A. The next morning after breakfast when he called me into the room from the parlor.

Q. You say, then, that the morning of Horton's nomination, between one, two, three, or four o'clock, you had the first talk with him, and the next talk was the next morning after breakfast?—A. Yes, sir.

Q. That is it?—A. Yes, sir.

Q. In the same room?—A. The same room.

Q. You had the matter all this time under conviction?—A. I was pretty well convinced after the offer of money.

Q. You have failed to state to the committee when these conscientious convictions came to you.—A. Not at all. I stated that I was decided against the matter just as soon as he offered me that money.

Q. Will you be kind enough to state to the committee when and where these convictions came to you to oppose Ingalls after you had pledged yourself to him?—A. When a man who, I believe, came from Mr. Ingalls, as he expressed to me himself, meeting me with money to vote for Ingalls.

Q. Did Mr. Ingalls ever mention Anderson's name?—A. No, sir.

Q. Did you ever have any talk with Anderson in Ingalls's presence?—

A. No, sir; he came from a room with that money, and came to me with it, and from a room that I believed at that time was Mr. Ingalls's room. That was a room, as I have been since informed, occupied by Mr. Merritt.

Q. Be kind enough to explain how it was, or what your theory is of the fact, that after you had pledged yourself to support Senator Ingalls upon a certain contingency which had already transpired, Mr. Ingalls was sending people to you to buy your vote.—A. The principal one is that since the time he had a majority of the Republican members of the legislature I had been in convention with them and had steadily voted, not in this last convention, mind you, but in other conventions where they were all casting their votes, I was still casting my vote for George T. Anthony, and I suppose he knew from that pretty well that I was going to oppose him. I rather think he did.

Q. After all this caucusing of the Republicans, and after Mr. Ingalls had obtained a majority of the votes of the Republican members, did you still, or at any time, announce to Mr. Ingalls or his friends that you were opposed to him?—A. To his friends; yes.

Q. What one?—A. To Anderson; yes, sir.

Q. Where did you tell him that?—A. In frequent conversations at our room.

Q. When and where was one?—A. I do not know that I could mention distinctly any particular one. We were rooming together and boarding together, eating at the same table, and frequent opportunities were presented, and he knew very well from the development of events that took place here in this town, the proof that was produced here from time to time, that I was becoming more and more opposed to Mr. Ingalls. He knew that very well. I referred to those charges against Mr. Ingalls that had been made against him and was not satisfied upon them. Now, there is another thing in regard to Mr. Ingalls provided he got a majority of the Republicans; when I mentioned that matter I also mentioned it in connection with these charges being satisfactorily explained away that were against him. There was another contingency that was coming in there all this time. I was using those charges; it was my main argument against him, the principal thing why I was opposing him in the conventions there.

Q. Have you run out now?—A. You wanted an explanation and I was explaining.

Q. Was not this your first experience in the legislature?—A. Yes.

Q. Do you not know the fact that you were made the butt and ridicule of every member of the legislature, practicing jokes on you on every occasion they could get?—A. A fool is not apt to know these things, and I must have been a fool and not know them.

Q. You say you pledged yourself to Senator Ingalls at that interview?—A. In the way I told you.

Q. Who was present at that, Mr. C. F. Brown, of Mitchell?—A. I think not; I think he stepped out of the room and left us. I do not think he was in there except to come in and introduce us. Then I think he stepped out; I am quite certain he did. It may be that he stepped in casually during the time.

Q. Did you see C. J. Brown, the member from Mitchell County, the day before the final vote?—A. I did.

Q. On Thursday?—A. I did.

Q. Where?—A. He boarded there at the same place.

Q. Did you not the day before the final ballot tell Mr. Brown to inform Ingalls that you were going to support him?—A. Yes, sir.

Q. Then up to that hour— A. Yes, and there is an explanation.

Q. Wait a moment; just answer the question. That was after all this proof had come out that you are talking about?—A. Not all the proof.

Q. You told him about what hour of the day before the final ballot that you were going to vote for Ingalls?—A. I cannot tell the hour; I think it was the evening before, after the adjournment of the legislature.

Q. After the adjournment of the legislature the evening before the final vote, you sent word to Mr. Ingalls by Brown that you were going to support him?—A. I do not know that I sent word, but I am certain almost that I told Mr. Brown I should support him, and I do not know but I might have said he could tell Ingalls.

Q. That was the evening of the anti-Ingalls caucus?—A. The evening of the anti-Ingalls caucus.

Q. Did you not tell him you were going to support Mr. Ingalls and were not going to the anti-Ingalls caucus?—A. I told him I was not going to the anti-Ingalls caucus.

Q. Did you not assign as your reason for not going to the caucus that you were going to support Ingalls?—A. No, sir; emphatically I did not. That was not my reason for it. Now, then, I should like to explain my reason right here for it—

Q. If you answer my questions we shall get along better and faster. Whom did you vote for on the final ballot?—A. Albert H. Horton.

Q. Between what time of the evening before the final ballot and the time you cast your vote for Horton was it that these convictions came to you against Ingalls?—A. Permanent and positive convictions against Ingalls—it was at the time when the money was offered me to vote for him. That was the time.

Q. You say you were not offended?—A. Not from that particular one, because he had been making approaches half a dozen times.

A. And you received them always?—A. I did not know what they meant, and I wanted to find out what they meant, and I found out what they meant.

Q. You told him you would take the money?—A. I did.

Q. And you did not feel offended, you say, about it?—A. Chief Justice Hale took money once.

Q. Did he take any more than he was entitled to or less?—A. He took that which he was not entitled to at all, or else history belies him.

Q. Did you know Waite, of Pawnee?—A. I did.

Q. He was a member of the house?—A. Yes, sir.

Q. Did you know what his convictions or preferences were?—A. For John J. Ingalls, I think; I am quite certain he voted for him.

Q. This is the Harry Anderson you refer to? (Pointing to Henry T Anderson.)—A. That is the one.

Q. Had you any conversation with Mr. Anderson about Horton's friends using money?—A. Nothing, only that he said to me that Horton was using money, and that morning he said that he had been offered a thousand dollars to vote for Horton.

Q. Now I ask you if it is not a fact that your going to the Tefft House that morning was to ascertain, in connection with Mr. Anderson, whether Horton's friends were using money or not—if that was not your only mission there?—A. No, sir; because I did not believe it. I did not have it from any other party.

Q. Did you give testimony before the legislative committee?—A. I did.

Q. I ask you if this was not your evidence then in regard to your and General Bull's vote upon the final ballot :

And while the vote was being taken Mr. Anderson came close to me and whispered, "Now vote for Ingalls and you can have your money. It is all right." When Bull voted for Horton, Anderson expressed to me his surprise, and said in a suppressed voice, "Damn it! Bull voted for Horton." When my name was reached I voted for Horton, at which Anderson expressed his surprise, and said, "Damn it! You had better voted for Ingalls."

A. Yes, sir; that is correct.

Q. You say that he stated to you just before your name was reached that you could have this money if you would vote for Ingalls?—A. Yes, sir.

Q. That is your testimony now?—A. Yes, sir.

Q. Why did you not state that before?—A. Well, sir; I think I did. If the committee did not get it down, I am certain that was stated, and I think I can prove it right here. I am certain that I stated that.

Q. You were governed entirely by patriotic and pure motives in agreeing to take the money?—A. Well, we all of course claim honesty in the matter, and I am one with the balance who claim that. I had an honest motive in it.

Q. You had York before your eyes?—A. I had.

Q. And you agreed to take money and you would take it out of honest and patriotic motives?—A. Yes.

Q. And you told it to only two members of the legislature who you knew were opposed to Ingalls?—A. Yes.

Q. You did not circulate it among his friends or those you knew were in favor of Ingalls, did you?—A. No, sir.

Q. You knew the members of the legislature that were supporting Ingalls?—A. Yes.

Q. You knew there were a good many honest men among them, did you not?—A. I thought so.

Q. You did not tell any of them?—A. And I thought there were some of them not very honest.

Q. Wait a moment; we shall see about that when we get through with you. You did not tell any of them?—A. Not one of them.

Q. You never made it public until after the final vote?—A. And I did not aim to then.

Q. If you never intended to tell of it before or after the final vote, what in God's name were you playing that kind of a rôle for?—A. Well, I wanted my friends that were working with me—the leaders of them—to understand the game that was up, so that they could devise some means for counteracting it.

Q. Then you were discovering a trap plainly before you, and yet you were going to silently sit still and let other members of the legislature jump into it. Is that what you meant?—A. No, sir. I had not decided upon what I should do. I consulted with them to first find out what we had better do. I thought I would let them that were managing the affair govern themselves accordingly, and I should have been greatly governed by their advice in the matter.

Q. Did you see the roll of money?—A. I did.

Q. Was there a band around it?—A. I think there was.

Q. What was the color of the band around it?—A. I do not recollect. It was not a very distinct color from the color of the bills. I presume it was a kind of brownish paper.

Q. Was it a yellow band around the money?—A. I do not know; it may have been or it may not. I could not say as to that. I did not even know the denominations of the bills.

Q. Do you recollect whether that was the band around the package of money that was shown you (exhibiting a band marked \$500)?—A. I should think it was not the band. I do not think that was the band. I am almost certain it was not as wide a band as that. It was about half the width of it. Neither do I believe there were any figures on it. If there was, it was on the under side.

Q. Was that the first joke or the first matter of that kind that was ever attempted by anybody upon you?—A. Yes; if you call it a joke. No; I presume they joked me lots of times. Not being very sharp, I would not notice it. Those jokes have been played I guess too often.

Q. You went up there for the purpose of ascertaining whether there was any money being used for Ingalls; went up there after you had pledged yourself for Ingalls, and up to the time you got to the Tefft House you were an Ingalls man?—A. Now, do you say I said that?

Q. I ask you if that is a fact?—A. I did not say so.

Q. Then will you state when you changed your mind to vote against Ingalls instead of for him?—A. I told you some half-dozen times, in my room at Mrs. Rankin's, when Harry Anderson offered me the money to vote for him; then I was determined to not vote for him.

Q. Was that before noon of that day?—A. Yes, sir; in the morning.

Q. Was that before you visited room No. 12?—A. Yes, sir; before I ever saw the inside of that room.

Re-examined by Mr. WEBB:

Q. In reply to the last question put you by Mr. Everest you said that when Anderson offered you the money at Mrs. Rankin's he had the money with him and offered it then?—A. He did not have the money at Mrs. Rankin's; he merely named the sum.

Q. You say you refused to go into the anti-Ingalls caucus? Briefly state why.—A. The simple reason was this: There seemed to be no possible chance for Mr. Anthony being nominated, and Mr. Horton was the last one I dreamed of. He had only been getting one vote or two votes from time to time, and as I understood from Mr. Guthrie he was casting it as a complimentary, not expecting to succeed, and I did not suppose there was any one pressing his claims. I thought the chances were decidedly in favor of Colonel Phillips getting the nomination there that night, and as between Colonel Phillips and Ingalls I preferred to vote for Mr. Ingalls as the lesser of the two evils.

Q. Then you did not propose to bind yourself to support Phillips by going into the anti-Ingalls caucus?—A. No, sir; if I had gone in there and he had been nominated I should have considered myself bound to vote for him by casting my lot with them.

Q. That was the only reason why you did not go into the anti-Ingalls caucus?—A. That was the only reason why I did not go into that anti-Ingalls caucus, and if that money had not been offered to me I should have voted for Mr. Ingalls the next day; no, I should not after Horton was nominated; I should have voted for Horton after I found who was nominated there; I then should have voted for Horton.

Q. Counsel has directed your attention to room No. 12 of the Tefft House and you say you went there?—A. Yes.

Q. I am not certain, but think you said that was Horton's room?—A. I do not know whether it was or not, but Horton was in there. He was occupying it at that time, and I rather think it was Horton's room.

Q. Was it the same room previously occupied by Anthony?—A. I never saw Anthony in that room.

Q. Whom did you find in that room when you went there?—A. I first found Mr. Guthrie and Mr. Horton.

Q. Whom else?—A. I do not recollect any one else being in the room at all, though it seems to me some one did come in and talk with Mr. Horton while I was talking with Mr. Guthrie. I was there perhaps a minute, not more.

Q. When you went out, did you leave Horton and Guthrie there?—A. Yes.

Q. Counsel asked you if you did not see a Mr. Purcell there?—A. I did not that I know of. It may have been that the party who came in and talked with Mr. Horton might have been him; I do not know. I never saw Mr. Purcell to know him.

Q. He asked you if Mr. Purcell did not give you \$100 in that room to vote for Horton?—A. He asked me that. He did not, though.

Q. Did any person give you any money there?—A. No person ever offered me money in my life for my vote except Harry Anderson.

Q. Do you remember the fact that Senator Ingalls made a speech at Union Hall one night?—A. Yes, sir.

Q. Were you present?—A. I was.

Q. Did you hear it?—A. I heard the most of it.

Q. Did you hear him admit that he had written what had been published in the Kansas City Times and spoken of as the Gay letters?—A. Yes, sir.

Q. You stated that Mr. Ingalls and Charles J. Brown came to your room at Mrs. Rankin's?—A. Yes, sir.

Q. State whether that was before or after Ingalls's speech at Union Hall.—A. That was after the speech at Union Hall.

Q. Ingalls came there after that speech?—A. Yes, sir; I think so, but I will not be positive about it; I think it was after. I know we had conversation about that, but it seems as though it was before that, too. That speech at Union Hall I did not hear a great deal of. I heard him admit that he wrote those letters, and he seemed to justify himself in it.

Q. Did your interview with Ingalls at your room take place before or after that speech made by Ingalls?—A. My impression is that it was after, but I will not be positive about it.

Q. Now, if you think it is necessary to make any explanation in regard to any matters that Mr. Everest inquired about, which I have not asked you in regard to, you may suggest them.—A. As to my former examination, I would like to make an explanation of that matter; I want to give you the reason why I wish to make an explanation here.

Senator CAMERON. Go on and make it.

The WITNESS. In the former examination I was asked if any members had told me they had any offer of money made to them, and I stated there had not been, but upon considering the matter of one thing that had transpired, I thought perhaps that that answer might not be perfectly correct, and if an explanation is needed you can judge for yourselves. After telling Anderson what Mr. Bull had said, that he would take \$500, Bull had told me that if they offered \$500 to vote for Ingalls, he would take it and vote for Horton; I told Anderson that Bull said he would take \$500. I wanted Mr. Bull to have positive evidence of what I had told him myself; I was anxious for that, I must admit; that was the means I took to have him get positive knowledge; Bull was a man I very highly esteemed; Bull told me afterwards on the floor of the house, after he had come into his seat there, that Mr. Anderson came to

him, and after standing and arguing with him for some time as to his duty to vote for Ingalls, and his reasons for voting for him, that he was the strongest man and he was bound to win, and he had better be on the winning side; a great many were standing around and he could not explain; there were other matters that he wanted to speak of apparently that he could not talk of while so many were around; he stooped down to General Bull and whispered in his ear, and said, "You vote for Senator Ingalls and I will make it all right with you." Now, in connection with the matter that I had stated to him that General Bull would take \$500, I do deem that as an offer to Bull to pay him that \$500 I have spoken of if he would vote for Senator Ingalls. That is the only thing.

Recross-examined by Mr. EVEREST:

Q. What night was it that Senator Ingalls spoke at Union Hall?—A. I cannot tell you.

Q. Was it not Wednesday night?—A. I cannot say.

Q. What night in the week was it that your interview with him at Mrs. Rankin's occurred?—A. I cannot tell you that.

Q. Was it not Thursday night, the night following that speech?—A. I cannot tell you that, but I am rather of the opinion that it was after the speech.

Q. Do I understand you to state that you were not satisfied with the explanations Senator Ingalls made in his speech at Union Hall?—A. Well, I did not hear it fully, but from what I had heard from others with regard to the explanations and what little I heard when he admitted that he wrote those letters, I was not satisfied with, and still I could not recollect exactly what the explanation was, and have not got it definitely in my mind now.

Q. I understand you to state that it was after that speech that you told C. J. Brown that you were going to vote for Mr. Ingalls the next day?—A. Yes; that is that I rather expected I should; and if Phillips was nominated, I certainly should have done it, and I was expecting Phillips to be nominated that night.

By Mr. WEBB:

Q. Was the conversation you had with Brown before or after the anti-Ingalls caucus?—A. It was the night before the final ballot, I think. It was before the anti-Ingalls caucus.

Q. And you made that statement to him under the supposition that Phillips would be the nominee of that caucus?—A. Yes, sir.

By Senator LOGAN:

Q. You stated that you intended to take that money. State to the committee what it was your intention to do with it. Did you intend to retain it or return it?—A. I will tell you, gentlemen, I had not determined fully upon taking it in. I wanted to go and consult with those people and determine what would be the best plan, whether to take it and make an exposition of it, or what to do; I did not know; I wanted to consult.

Q. I understood you to say in your testimony that you had been advised to take it by those people that you consulted; you said that they told you to take it in.—A. Yes.

Q. Inasmuch as they told you that, that advice had confirmed you, as I understand, in the theory that you would take it. Is that the correct understanding?—A. Yes, sir.

Q. Now, the question is, what did you intend to do with it?—A. Well,

I should have submitted to the decision of friends upon the matter, and, of course, if I did not make a public exposition of it, give it back.

Q. What was your intention then is what I want to get at, not what might have been done.—A. My intention was either to make a public exposition of the whole thing or return it to him and say nothing about it.

Q. One or the other; but you had not exactly concluded in your mind which?—A. No, sir; I had not. I was subject to advice and counsel with my friends in the matter, and I had not had time to determine what the full course would be. It was a very worrying time about then, and there was a great deal of excitement.

JOHN W. BROWN, a witness called by the memorialists, sworn and examined.

By Mr. WEBB:

Question. Do you reside in this county?—Answer. I do.

Q. How long have you resided in Shawnee County?—A. Thirty years in Kansas.

Q. Were you here at Topeka during the last Senatorial contest?—A. I was here most of the time.

Q. State whether you had any preference between the many candidates for the office of United States Senator; and if you had, what your preference was.—A. I was in favor of Senator Pomeroy, myself.

Q. I did not know that he was a candidate, and therefore he was not in my mind when I asked the question. How was it as between the other men who were voted for?—A. I said I was in favor of Senator Pomeroy for the reason that I believed he would be a candidate. Outside of Pomeroy I was in favor of Senator Ingalls.

Q. Did you know Mr. Alexander, representative from your representative district?—A. Yes, sir; I know him.

Q. Did you have any conversation with him last winter in regard to his preference for United States Senator?—A. Well, I cannot say that I had, during the winter.

Q. At any time after his nomination and election?—A. Yes, sir; I had a conversation with Colonel Alexander about the time of his nomination, or probably afterwards.

Q. Do you know what his personal preference was, independently of any other consideration?—A. Well, sir, I cannot answer that. I did not know his personal preference.

Q. Did he not state to you his personal choice?—A. I do not think he ever did.

Q. State whether you were taking any part in the Senatorial canvass; and, if so, for whom were you working?—A. I was here some, and what little I did in the matter, I did in favor of Senator Ingalls.

Q. Do you know Mr. J. C. Wilson?—A. I do.

Q. Were you acquainted with Senator Ingalls last winter?—A. Yes, sir.

Q. Had you any conversation with Senator Ingalls and Mr. Wilson at the same time?—A. I had a conversation with Senator Ingalls and Mr. Wilson some time during the fall, about the time of the nomination.

Q. What nomination?—A. About the time of Colonel Alexander's nomination.

Q. Where did that conversation take place?—A. I think in the Fifth Avenue Hotel, in Topeka.

Q. Was it before or after the election?

Mr. EVEREST. I do not say it for Mr. Alexander's sake, for I do not

suppose he cares, but I wish to suggest that the exculpated list filed includes Mr. Alexander's name. I merely mention this to show that there ought to be some rule to govern the examination. I do not raise any objection, however.

The CHAIRMAN. Is the object of this testimony to impeach the vote of Mr. Alexander?

Mr. RIGGS. Not necessarily. At the time we furnished the exculpated list we did not know that we should impeach the vote of Mr. Alexander. This is simply to show a corrupt offer of office on the part of Mr. Ingalls.

Mr. EVEREST. If you make such an offer, go ahead. We will allow you to go over all those men again if you offer to show corruption.

The CHAIRMAN. If, by a paper filed with the committee, the counsel for the memorialists have exculpated Mr. Alexander, and do not charge that his vote was in consideration of any corrupt influence of any kind exerted upon him, it is not proper now to offer testimony about him. If this is allowed, Mr. Alexander and somebody else will be called to rebut this testimony. We must close the issue at some time. I have no objection to this witness being interrogated, if it is not objectionable to the counsel for the respondent; but I call attention to the fact that when counsel for the memorialists have exculpated a member it is not proper then to enter into any proof touching the integrity of his vote. Otherwise there would be no end to this controversy, for if the vote of one who has been already exculpated is called in question subpoenas will be asked for persons to rebut the charge.

Mr. RIGGS. I do not believe it is the desire of the chairman of the committee to lay down any rigid rule which will absolutely preclude the committee from discharging its duty as imposed upon it by the Senate. I understand the committee came here charged with the duty of investigating the allegations against Senator Ingalls, and the intervention of attorneys was simply a matter of convenience in order to arrange and produce testimony.

The CHAIRMAN. I will say now in behalf of this committee that we are not here to show favors to one side or the other. If there was corruption in the election of Senator Ingalls we shall be glad to see it exposed to the fullest extent, not only that we may discharge the duty which we owe to the Senate, but to the people of Kansas; and if there is no proof against Senator Ingalls we want that fact established beyond controversy, because it is due not only to Senator Ingalls but due to the Senate of the United States, and due to the people of Kansas, that the truth in this matter should be known. So far as I know, that is the temper of every member of this committee. There is not the slightest disposition either to protect Senator Ingalls, on the one hand, or to persecute him, on the other. Therefore we will exclude no fact that can bear on the issue. However highly I appreciate Senator Ingalls as a Senator, if he has been guilty of what is charged against him, I would by my vote exclude him from the Senate of the United States without the least compunction. If, on the contrary, he vindicates himself against the accusations, I should feel bound in honor to say that Senator Ingalls was not implicated in the transactions charged. There is no disposition on the part of any member of this committee to cover up anything, either on the one side or the other. Let the truth be known though the heavens should fall.

But in making this investigation we must have some reference to the time that is employed. There is a protraction about the case that we think is unnecessary; the examinations are too long. The real issue is this: Has there been any bribery in the election? If there has been

show it; and if there has not been, let that appear. Any objections that originate from the committee to the course pursued either on one side or the other originate from a desire that the matter shall be terminated as soon as possible, and the truth arrived at.

Mr. EVEREST. The committee will bear us witness that we have not attempted to interpose any objection.

The CHAIRMAN. If there is no objection, let the examination proceed.

Mr. RIGGS. In justice to ourselves I would say that our præcipe as ad does mention the name of this witness and states the very fact we propose to prove.

The CHAIRMAN. Go on with the examination of the witness.

Q. (By Mr. WEBB.) When did the conversation take place between yourself and Senator Ingalls and Mr. Wilson at the Fifth Avenue Hotel?—A. I should think it was some time about the first or middle of November, immediately after the election, I think.

Q. What was that conversation about, or did it relate to Mr. Alexander and the vote he might give for United States Senator?—A. I will answer that question by saying that if you will permit me to make a statement of the whole thing it would be more satisfactory to myself and the parties and take up less time, probably.

Q. I have no objection.—A. I will state, then, to the committee that I was in favor of the election of delegates to our convention that should nominate Colonel Alexander, for the reason that I understood he was an anti-Ingalls man. At that time I was opposed to Senator Ingalls. There were sixteen delegates in the convention. Colonel Alexander had seven, Mr. Buckman seven, and I controlled two delegates which would, give me the power to nominate a representative. I came to Topeka, met Mr. Wilson and the United States district attorney, and other gentlemen, and found a strong disposition on the part of the people of this city to nominate Senator Ingalls. I then concluded that it was the opinion of Shawnee County to nominate Senator Ingalls, and determined so to act in the convention and give my votes as to nominate Colonel Alexander in case he would promise me to support Mr. Ingalls. He came to my house and I asked Colonel Alexander this question: "Can you support Senator Ingalls if you are nominated and elected?" He said he could, for he believed that the people of Shawnee County were in favor of him and for that reason he would vote for him. He was nominated and after he was elected I received a letter from Senator Ingalls requesting me to meet him in Topeka. I came here to the city and had an interview with Mr. Wilson and Senator Ingalls at the Fifth Avenue Hotel. Senator Ingalls understood that Alexander was not a friend to him, and while he believed he would vote for him on the first ballot, he was anxious to know that he could depend on him further, and that was the reason why he sent for me, I suppose. He asked me what Colonel Alexander wanted. I said I did not know but supposed he wanted his influence in the Senate of the United States for some position. Senator Ingalls made this remark, or something similar to it that he would be glad to assist Colonel Alexander or myself or any other friend in any way that he could in the United States Senate. He asked me what Alexander wanted. I said I thought he wanted a consulship. He said that if there was a vacancy and he could do anything for him, he would be glad to do it if Alexander had the endorsement of Ryan.

By Mr. FENLON:

Q. Who was Ryan at that time?—A. He is Representative in Congress from this district, and was at that time.

Q. Living here ?—A. Here in the city. I said I did not want that condition to a promise of that kind, for the reason that I thought Mr. Ryan was already loaded down with promises. "Well," he said, "Brown, I am willing to help Colonel Alexander and yourself to anything that I can." "Well," said I, "Senator, you put that down in black and white, for we don't have much confidence in you public men, in your word, and we would rather have it in black and white, and then we have a little more hope." Senator Ingalls was not well at that time; he was lying on the bed, and he spoke to Mr. Wilson and said, "Wilson, you just write Brown a letter and send it down, and I will sign it, or you sign it for me." I went home. By the next mail I received a letter signed by Senator Ingalls; and now, gentlemen of the committee, I wish to state that Colonel Alexander knew nothing about this transaction of mine whatever. It was voluntary on my part, and he knew nothing about it.

By Mr. WEBB:

Q. Now state where that letter is and what you did with it.—A. I kept that letter a month or six weeks, and I met Colonel Alexander here in the city and I said, "Colonel, here is a letter I have got." It was addressed to myself. I gave it to him, and I suppose he has it to day, and if you will excuse me I can produce that letter to the committee.

Q. Can you produce it now ?—A. I can by going to his house.

Q. At any time after you delivered it to him did you ask him for it ?—A. No, sir; I never have.

Q. Did you not go out there one evening for the purpose of getting it ?—A. No, sir; I never went there for the purpose of getting it.

Q. Can you repeat the contents of that letter ?—A. No, sir; I cannot repeat the contents of it; I might the substance.

Q. When do you think you could get the letter ?—A. I think I could get it this evening, as Colonel Alexander is an officer at the fair grounds, and I probably could not find him at home before night. I can get it this evening.

The CHAIRMAN (to the counsel for the memorialists). Do you desire to produce the letter ?

Mr. WEBB. We do.

The CHAIRMAN. Counsel can consent that the witness bring the letter identified and it may be received as part of his testimony.

Mr. EVEREST. That would be perfectly proper, but we are willing that the witness should state the substance of the letter.

Mr. RIGGS. It is fair to all parties to have the letter itself here.

Q. (By Mr. WEBB.) You may state the substance of the letter, Mr. Brown.—A. It would be more satisfactory to myself if I had the letter. If I cannot get the letter I will then state the substance, but I might not state it correctly.

Q. Will you procure the letter and return here to-morrow morning with it ?—A. Yes, sir; and if I do not I will then repeat the substance.

Q. (By the CHAIRMAN.) Can you not return this afternoon with it ?—A. Mr. Alexander is at the fair grounds, and will not probably be home before night, so that I cannot get it before night. If I can, however, I will get it this afternoon.

Q. (By Mr. WEBB.) You may state the substance of the letter, and if you can get the document itself you will produce it hereafter.—A. As near as I can remember it was something like this: That if he could be of any service to Colonel Alexander or any of his friends he would be glad to accommodate him; something to that effect. I cannot state it in any other way than that.

Q. (By Senator VANCE.) Repeat your statement, I do not hear you distinctly.—A. The letter was addressed to myself, not to Colonel Alexander. It said that if Senator Ingalls could be of any service in procuring an appointment for Alexander or any of his friends he would be glad to assist him.

By Mr. WEBB:

Q. Was there not a direct reference in that letter to the Topeka post-office?—A. I answer most positively that there was not.

Q. Was there any reference in the letter, as you now remember it, to the vote which Mr. Alexander might give for United States Senator?—A. I do not think there was any reference to it at all.

Q. You say that after Senator Ingalls had said he would be glad to do anything for Colonel Alexander, you told him to put that in writing, and said to him, "In Kansas we don't trust much to the word of politicians," or something to that effect. Why did you say that to him, and want it in writing?—A. I said that for the reason that I was acting on my own responsibility, without the consent or knowledge of Alexander, and knowing that Alexander was not a very strong supporter of Ingalls, I wanted to encourage him and build him up a little. That was the reason why I wanted it in black and white.

Q. Knowing that Mr. Alexander was not a strong supporter of Ingalls, and desiring to build him up, volunteering your own act in respect to a pledge, did you not insist on the designation of some office or place?—A. All that I ever said about office was that I knew Colonel Alexander wished a consulship, and I spoke to Senator Ingalls in regard to that; and that was the service he was to render. If he could do anything for him he was to aid him in that respect.

Cross-examined by Mr. EVEREST:

Q. Is it not a fact that before Mr. Alexander's election he published a card in the Topeka papers in which he pledged himself to support Senator Ingalls for the United States Senate?—A. Yes, sir.

Q. Did he not state in his canvass, and was it not so understood, that he was in favor of and supporting Mr. Ingalls for the United States Senate?—A. Yes, sir.

Q. Was he not elected on that issue in that district to some extent, and nominated for the office on that issue?—A. I think not, for the Ingalls party ran an independent candidate against him.

Q. You say, then, that he had published this notice, and had publicly avowed himself in favor of Senator Ingalls before the election, and before this talk you had with Ingalls?—A. After the Ingalls party nominated an independent man, we were a little afraid we were going to be beaten, and so he came out in favor of Ingalls, and Alexander published his card.

Q. Mr. Ingalls knew at the time you had this conversation with him that Alexander had published this card?—A. I suppose he knew it. I do not know.

Q. It was publicly known?—A. It was in the papers.

Q. You were not sent there by Mr. Alexander?—A. No, sir.

Q. You never conveyed to him the intelligence in that letter until six weeks after you had it?—A. Probably longer.

Q. It was addressed to you?—A. It was addressed to me.

Re-examined by Mr. WEBB:

Q. When was the first meeting you had at the Fifth Avenue Hotel,

where you said you met Ingalls, Wilson, and Peck ?—A. Mr. Peck was not present.

Q. You said "the United States district attorney."—A. I spoke of Mr. Peck in connection with my coming to Topeka, when I found they were all anxious for Ingalls. I included Mr. Peck in that number, but not in the interview at the Fifth Avenue Hotel.

(The letter referred to by the witness was afterwards produced, and received in evidence, as follows :)

CLERK'S OFFICE, DISTRICT COURT OF THE UNITED STATES,
DISTRICT OF KANSAS,
Topeka, Kansas, Nov. 22d, 1873.

JOHN W. BROWN, Esq.,
Auburn, Kansas :

DEAR SIR: Referring to our conversation to-day, in regard to Mr. Alexander, I take great pleasure in saying that I will very cordially and heartily use my best efforts to secure for him such a position in the public service as he may desire, at any time when his friends, or he himself, indicate their wishes in that direction.

Very respectfully, yours,

J. J. INGALLS.

LUTHER DICKERSON, a witness called by the memorialists, sworn and examined.

By Mr. WEBB :

Question. Do you reside in Atchison County ?—Answer. Yes, sir.

Q. How long have you resided there ?—A. Going on twenty-six years.

Q. Are you acquainted with John J. Ingalls ?—A. Yes, sir.

Q. How long have you known him ?—A. About twenty years.

Q. Are you acquainted with John M. Price ?—A. Yes, sir.

Q. How long have you known him ?—A. About the same length of time.

Q. Had you any conversation with John M. Price at any time after his election to the legislature last fall in which he stated whom he should vote for for United States Senator ?—A. Yes, sir ; I had frequent conversations with Mr. Price before and after his election.

Q. What did he say ?—A. The main conversation that we had, he called me up into his room and said that as we had been old friends and belonged to the same party, he wished to advise with me in reference to his vote for Senator.

Q. Was that after his election ?—A. Yes, sir.

Q. How long after ?—A. About two weeks, as well as I can recollect, before the assembling of the legislature.

Q. What did you tell him ?—A. I did not tell him any particular man to vote for. He said to me, "I have been tendered the post-office in Atchison for my influence and vote in the legislature."

Q. Did he say who had tendered him the post-office in Atchison ?—A. I asked him who had tendered him the post-office, and he said John James Ingalls.

Q. State, if you know, whether before that time Mr. Price was in favor of Ingalls's re-election, or whether he was opposed to such re-election ?—A. Well, sir, he always stated to me that he was opposed to Mr. Ingalls and used very strong language abusing Mr. Ingalls.

Q. Do you know as a matter of public history or matter of fact that the caucus or convention that nominated Mr. Price passed resolutions of instruction in favor of Ingalls's re-election ?—A. I saw the account of it in the daily papers.

Q. Did you have any conversation with Mr. Price about those resolutions?—A. Yes, sir.

Q. Did he state to you anything in regard to Mr. Ingalls concerning those resolutions?—A. He said Mr. Ingalls was present when the caucus nomination went off, and that the opposition candidate to him, Mr. Ingalls's candidate, introduced the resolutions.

Q. Did he state who wrote the resolutions?—A. I do not think he stated who wrote the resolutions, but he said they were introduced by Mr. King.

Q. Samuel C. King?—A. Samuel C. King.

Q. Do you know as a matter of fact whether or not Price and King were opposing candidates for the nomination?—A. They were.

Q. Was it not known and notorious that King was the Ingalls candidate and Price the anti-Ingalls candidate?—A. Yes, sir.

Q. And the anti-Ingalls candidate was nominated?—A. Yes, sir; there was a very bitter fight made over it.

Q. After which the convention or caucus, Mr. Ingalls himself being present, passed resolutions instructing the nominee to support Ingalls?—A. Yes, sir.

Q. What did Mr. Price say in regard to that?—A. I know that Mr. Ingalls was there only from the report of the papers that he was there and what Mr. Price told me.

Q. I had reference to what Mr. Price told you. He told you this?—A. Yes, sir; he told me.

Q. What did Mr. Price further tell you in regard to the obligation of that resolution?—A. Mr. Price said, "Mr. Dickerson, you know how far a man is bound by those resolutions in those primary caucuses; I will be compelled to vote for Mr. Ingalls on the first ballot; but after that I am at liberty to vote for whom I please."

Q. At the time he asked you for whom he should vote for United States Senator, and said that he had been tendered by Mr. Ingalls the post-office for his vote and influence, what did he say he would do, if anything, with respect to his vote?—A. I do not know that he said positively that he had any preference at that time.

Q. Afterwards did you have any conversation with him?—A. Yes, sir; I had conversation with him here at Topeka.

Q. About what time?—A. I think it was the evening before, the afternoon of Thursday before the election of Senator.

Q. Was it before or after the holding of the anti-Ingalls caucus?—A. It was before the holding of the anti-Ingalls caucus.

Q. What did he say at that time, if anything, as to his position on the Senatorship?—A. He came to me and Mr. P. L. Hubbard, standing in front of the Tefft House, and said to us, "Gentlemen, if you will go to work for me in this caucus to-night, I can get the nomination for Senator. I am the only man in the northern part of the State that can draw any votes from Mr. Ingalls." That is what he said.

Q. Go on.—A. I then remarked to him that we could not consistently do that.

Q. Who was it that wanted the nomination?—A. John M. Price.

Q. He was then a member of the house?—A. Then a member of the house.

Q. State what you said to him when he made that suggestion to yourself and Hubbard.—A. I stated to him that it would be very bad faith in us to put him up and demand that he should get the nomination after such charges were made against Mr. Price of tampering with the

grand jury of the State of Kansas to clear him, Price, from the penitentiary. Those were the words that I stated.

Q. You said that to Mr. Price?—A. Yes, sir.

Q. What further was said then?—A. I think that closed the conversation for that evening.

Q. Did you go into the anti-Ingalls caucus?—A. No, sir; I was not a member; had no business there.

Q. Did you see Judge Price after that caucus had adjourned?—A. I saw him the next day.

Q. What time in the morning?—A. I could not say positively; say ten o'clock.

Q. Whereabouts was that?—A. I saw him on the streets.

Q. Did you have any conversation with him then as to how he should vote for Senator?—A. Yes, sir; I had conversation with him; but he did not state to me how he would vote.

Q. Have you had any conversation with Judge Price since he was here and gave testimony before this committee?—A. Yes, sir.

Q. Where did that conversation take place?—A. Right in front of Mr. Hetherington's bank in Atchison.

Q. Who commenced that conversation, yourself or Judge Price?—A. Judge Price. I was standing talking with a gentleman, and he came along and spoke to me, and said that he wanted to have a conversation with me.

Q. Very well; state what that conversation was.—A. He passed on and stopped till I got down and then spoke to me and said he wanted to have a conversation with me.

Q. What did he say then?—A. Well, it was a running conversation over what we had had along from the time he was elected up to the time of the election of Mr. Ingalls. He stated in substance what he had sworn to here before the committee, and I told Mr. Price that we differed in his statements very materially; that he knew very well that he had said to me that he had been tendered the post-office by Mr. Ingalls, and that if I was called on to give testimony I should so state. "Well," said he, "if you please, don't state it in quite as strong language as I did to you."

Q. When was that conversation between yourself and Price?—A. That was on Wednesday.

Q. Of this week?—A. Yes, sir.

No cross-examination.

THOMAS P. GABLE, a witness called by the memorialists, sworn and examined.

By Mr. WEBB:

Question. You were one of the members of the house of representatives of the last legislature of Kansas?—Answer. I was.

Q. Representing one of the Leavenworth districts?—A. Yes, sir.

Q. Have you any knowledge of any member of the legislature receiving any money last winter for his vote or his influence for United States Senator?—A. I have not.

Q. Who were your colleagues in the house?—A. From the city or the whole county?

Q. Your colleagues, the members from your county?—A. Bevins, Henderson, my brother, Mr. Blackman, Mr. Legate, and Charley Miller.

Q. In what relation, if any, do you stand to Mr. Henderson?—A. He is a cousin of mine.

Q. Do you know anything of Mr. Henderson having any money that he showed you at the Tefft House during the session of the legislature?

—A. Yes, I do.

Q. Where did he show it to you?—A. I was in room 129, Tefft House.

Q. Who occupied that room?—A. Henderson, Bevins, my brother, and myself.

Q. Four of you?—A. Yes, sir.

Q. At what time was it that Mr. Henderson showed the money to you?

—A. I think it was the Thursday morning prior to the election on Friday.

Q. How much money did he show you?—A. I do not know the exact amount; I did not count it.

Q. Did he tell you how much there was?—A. No, sir; he did not.

Q. Can you describe it; was it a single bill or a roll of bills?—A. It was a roll of bills.

Q. A large roll or a small one?—A. Not very large; perhaps it might contain \$100 or \$200; I could not say, not counting it and not noticing the denominations particularly. I do not know the amount; did not count the money.

Q. What did he say in connection with the act of showing you the bills, if anything?—A. I was in the room alone; he came into the room, and I do not know from where he brought the money, whether out of his vest pocket or pantaloons pocket, or where; at any rate he handed me the money and remarked, "I have got it" or "I have done it," some such remark as that, one or the other I am positive, and laughingly I pressed the money over my hand and handed it back to him; and under the circumstances I supposed he meant he had got it for his vote.

Q. What did he say with respect to votes?—A. He remarked, "I am going to vote as I please."

Q. Was that made a part of the sentence and uttered in the same breath as, "I have got it," or "I have done it," adding "but I am going to vote as I please"?—A. I think it was.

Q. You say you took the roll in your hand and turned the end of the bills. What in your judgment was the amount of money there? Did you notice the denominations of any of the bills?—A. I could not say what the denominations were.

Q. At the time what was your impression as to the amount from the examination you did make?—A. Well, I supposed at the time there might be \$200 of it.

Q. What time was it? You say it was on Thursday; what time of the day?—A. In the forenoon.

Q. Did Mr. Henderson, at any time, tell you where he got that money?—A. He did not.

Q. Did you learn from any source from whom he received the money?—A. No, sir; I do not know where he received it.

Q. Do you know whether Mr. Henderson brought considerable money with him when he came here to Topeka?—A. That I do not know. I do not know anything about his financial circumstances. He lives some distance from where I do, and I do not know anything about his financial circumstances.

Q. Did any person offer you any money for your vote or influence during the session of the legislature?—A. No, sir.

Q. Did any man talk with you and ask you whether you would accept any money for your vote?—A. No, sir.

Q. Did you have any conversation with Mr. James S. Merritt at any time in regard to your vote?—A. He frequently solicited my support for Mr. Ingalls.

Q. Did you know J. S. Danford?—A. No, sir; I did not.

Q. Do you know him now?—A. I do not.

Q. Have you not seen him around the room here?—A. I would not know him if I were to see him.

Q. Do you know a man by the name of Foulkes living in Osage County?—A. I know a gentleman that was pointed out to me by that name; I am not personally acquainted with him.

Q. Was he pointed out to you last winter?—A. Yes, sir.

Q. Did he have any conversation with you in regard to your vote for Senator?—A. No, sir.

Q. Do you know Mr. J. V. Admire?—A. I am not acquainted with him.

Q. Do you know J. C. Wilson?—A. I do.

Q. Did he solicit your vote for Mr. Ingalls?—A. I think he did; I am quite certain he did.

Q. Did Mr. Merritt or Mr. Wilson or any other gentleman at any time suggest to you that you could get some compensation for your vote or influence for Mr. Ingalls?—A. No, sir.

Q. As a matter of fact you were opposed to Mr. Ingalls's election, were you not?—A. I was.

Q. And did not vote for him?—A. I did not.

Q. You did vote for Judge Horton?—A. I did.

Q. Do you know Levi Wilson, of your county?—A. Yes, sir.

Q. Did you not have some conversation with Mr. Wilson, the subject of which was the payment of money for votes of members from Leavenworth County for Mr. Ingalls?—A. I did not. Mr. Wilson was the friend of George T. Anthony.

Q. I am aware of that. The question I asked was whether you did not have a conversation with him in which you talked about the fact of money having been offered by some persons for the votes of members from Leavenworth County to be given to Mr. Ingalls?—A. I may have talked to Mr. Wilson about my belief as to whether there was money being used by the friends; he may have expressed himself to me as to whether there was money used by the friends of Mr. Ingalls. Some such conversation as that might have occurred.

Q. Was any person present in the room—129, I think you designated?—A. I believe that was the number we occupied.

Q. When Mr. Henderson showed this money, was any one present besides yourself?—A. None.

Q. Had you any conversation with Mr. Wilson about that money that Mr. Henderson received?—A. I believe not.

Q. What are Mr. Henderson's politics?—A. I believe they are Democratic. I think he is a Democrat.

Q. Did he vote on the last ballot for Mr. Goodin, the Democratic candidate?—A. Yes, sir.

Cross-examined by Mr. FENLON:

Q. You were elected in Leavenworth County from the second ward of the city?—A. Yes, sir.

Q. Elected as a Democrat, were you not?—A. Yes, sir.

Q. Were any instructions given at the primary elections there one way or the other as to how you should vote for Senator?—A. No, sir.

Q. You went into the Democratic caucus after the legislature commenced with the rest of the Democrats?—A. Yes, sir.

Q. They nominated John R. Goodin?—A. Yes, sir.

Q. And stuck to him for several ballots, until they separated?—A. Stuck to him until the final ballot.

Q. You were about as intimate with me as with almost anybody else that was here at that time?—A. Yes, sir.

Q. You knew that at the close of the contest I was strongly in favor of Mr. Ingalls's election?—A. I did.

Q. You and I have lived near together for many years in our city?—A. We have.

Q. Did I ever solicit your vote for Mr. Ingalls?—A. I think you did.

Q. In what way?—A. In the capacity of a friend of Mr. Ingalls.

Q. Did I make any offer of money or reward or office, or anything of that kind?—A. No, sir.

Q. You say you had a conversation with William Henderson in room 129, in which he showed you some money?—A. Yes, sir.

Q. Was not the subject of money and the purchase of votes, and all that, the subject-matter of conversation in the rooms and bar-rooms and billiard saloons, all through town here last winter?—A. We talked of it frequently.

Q. Joked with each other about it?—A. Occasionally.

Q. Was this talk you had with Bill Henderson in room 129 of that kind, a jocose, pleasant conversation, or was it serious? Did he mean to communicate to you that he had absolutely received money?—A. At the time that he did it but very few words passed between us, and my opinion at that time was that he had received it. But subsequently I had a talk with him, and I had no reason to believe that he did receive it for his vote.

Q. Did he tell you from whom he received it?—A. He did not.

Q. Did he tell you how much it was?—A. I think not.

Q. Did you inquire from whom he received it?—A. No, sir.

Q. Did you inquire how much he had got?—A. No; I did not.

Q. Was it not the common remark in the room there at the time, and in fact all through town, for fellows who had any money to say, "I am all right;" "I am fixed?" Did you not hear such remarks frequently?—A. I remember distinctly one occasion of that kind. Mr. Bevens, a member from our county, said something of that kind in our room; we frequently joked about it.

Q. You have no reason now to believe that Henderson did obtain that money for the purpose of influencing his vote?—A. No, sir.

Q. And no reason for connecting Mr. Ingalls or Mr. Ingalls's friends with that transaction?—A. I have none.

Q. Do you know a man by the name of Charles H. Miller?—A. I do.

Q. Have you read his testimony before the investigating committee of the legislature last winter?—A. I have.

Q. Did you ever tell Charles H. Miller that you had counted the money that was in the hands of Mr. Henderson?—A. No, sir.

Q. You have seen his statement to that effect under oath?—A. Yes, sir.

Q. Is that statement true or false?—A. That portion of it is false.

Q. Do you know a gentleman by the name of Pangborn, connected with the Kansas City Times?—A. Yes, sir.

Q. Have you read his statement in reference to what he said in regard to you?—A. I have.

Q. Did you state there in regard to that matter what he says you did?—A. Part of that conversation is correct; part of it is untrue. The part with reference to the amount of money is false.

Q. Do you now know of your own knowledge of any single member of the legislature who voted for Mr. Ingalls that obtained money to influence that vote?—A. I do not. I wish to add, if the committee

please, that at the time Mr. Miller refers to my making that statement I was in Atchison; I was not on the train; did not go home that evening.

Mr. WEBB. Before the committee takes its recess, I wish to call attention to the fact that we have twice this morning had the name of J. V. Admire called and he has not responded. The records of the committee will show that a subpoena has been duly issued and duly served and returned by the proper officer. I know that Mr. Admire is in the city, because I saw him and had a conversation with him last night. We want him here. I am advised that he is about to leave on the train which goes south. I ask the committee to send the sergeant-at-arms to him and bring him in here when the committee reassembles this afternoon.

The CHAIRMAN. We would do anything we could to assist counsel in getting witnesses here. All the power we have is simply to issue a subpoena and serve it. If he does not see proper to respect the subpoena, we have no power except simply to report him as in contempt to the Senate when we return.

Mr. WEBB. It is an unfortunate occurrence for the memorialists certainly that there is no power to compel the attendance of witnesses.

The CHAIRMAN. I direct the sergeant-at-arms to see Mr. Admire, if possible, and inform him that the committee desires his attendance this afternoon.

The committee took a recess until half past two o'clock p. m., and resumed its session at that hour.

The CHAIRMAN. We have been informed by the sergeant-at-arms that he went to the depot and saw Mr. Admire, and told him that the committee required his attendance before it. He got in a buggy apparently to come back, but he afterwards went out of the buggy. The sergeant-at-arms watched him and caught him again, and he said he was going home; that he had a sick child, and was going, and he got upon the train. We desire counsel to put in writing the name of the witness and the purpose for which they wanted him subpoenaed, and we will see that the matter is brought to the attention of the Senate of the United States.

Mr. WEBB. We desire next to call a witness to what Mr. Admire said in order to show that he is a material witness for us.

R. H. BALLINGER was called as a witness.

Senator BAILEY. Mr. Webb, we have listened very patiently to the testimony taken here giving statements made by different persons which, under the rules of evidence applicable to proceedings *inter partes*, would be inadmissible, and it appears to me that much of this testimony throws no light whatever upon the main point of inquiry. The only effect of it is to give publicity to reports, rumors, and conversations, and in some degree to scandal. I would ask the question whether you expect, by the examination of these witnesses, to connect their statements with any material fact bearing upon the issue that has been made between the memorialists and the respondent, or whether these statements will stand isolated, separated from other testimony bearing upon the material facts. Of course counsel have some idea of what they propose to prove. We shall be governed in a large degree by the opinion of counsel upon that subject, but unless, in the opinion of counsel, there be some connection I would suggest to the committee that such testimony be not received for the reason that I have stated; and again, for another reason, that it protracts and will probably prolong indefinitely this investigation.

Mr. WEBB. We claim that Mr. Admire was an agent of Mr. Ingalls. Whether we prove that agency directly by these witnesses or not, we

claim that it will be established in testimony; we propose to prove by the witness now on the stand, not yet sworn, that Mr. Admire stated to him fully and explicitly, several months ago, that he was the man who approached T. J. Raybell on the street in this city, and told him that Ingalls's friends were paying two hundred and fifty to three hundred dollars per vote, and that he afterwards knew or introduced Mr. Foulkes to him, took him into the room, and that Mr. Foulkes did then and there pay Mr. Raybell \$250. That is just what we propose to show by this witness, so far as Mr. Admire is concerned. Of course, we propose to show other statements. Mr. Admire himself admitted that he received a hundred and fifty dollars out of three hundred paid to Mr. Foulkes' hands for the payment of so much money to Senator Finch, of Osage County. We propose to prove by this witness Mr. Admire's statements to him at the Poppendick Hotel when they occupied the same room several months ago. We subpoenaed Mr. Admire, and I was told that he was in the court-room once or twice this morning, but he was not here when called. The sergeant-at-arms went after him to-day, but he took the train and went home. I talked with him an hour myself last night. What he said to me is neither here nor there. I wanted him here to examine him.

I have now stated what we propose to show by this witness. If that is so far hearsay testimony as to be excluded under such rules and regulations as this committee for itself shall prescribe, because it is a law unto itself, then, as a matter of course, it will not be received. I am well aware that if this was a trial in a court of law, the testimony I have mentioned would be regarded as in the nature of hearsay and would not be admissible unless the agency was first shown or established. I think this witness will prove and explicitly narrate conversations between himself and Mr. Admire, and satisfy the committee that Mr. Admire said so.

Senator CAMERON. I believe you have stated, Mr. Webb, that you expect to prove that this Mr. Admire was an agent of Mr. Ingalls. If you can prove that, you can prove it probably now as well as at any time. Prove that, and then the testimony which you expect to get from this witness would probably be competent.

Mr. WEBB. In reply to that, let me say that there is probably no man in the world who knows better than each member of this committee how difficult it is to prove an agency in regard to a Senatorial election.

Senator CAMERON. You said you expected to prove it.

Mr. WEBB. From the circumstances of the case; not that he held a letter of attorney, sealed and signed and acknowledged by Mr. Ingalls, but that he was in and around Mr. Ingalls's headquarters associating with Mr. Ingalls's friends in rooms engaged for and paid for by Mr. Ingalls and his agents; and if such facts and circumstances do not establish agency, when the solicitation of parties is to take money and votes for Mr. Ingalls, perhaps we cannot establish agency.

Mr. EVEREST. I do not care to get up any discussion, but I am informed that instead of Mr. Admire ever being a friend of Senator Ingalls' canvass, he was entirely opposed to him, and has been his enemy for years personally—ever since he lost a post-office—and is to-day. He was here in this room, I am told, three or four times. Counsel knew he was in the city; he was at the Tefft House; he was pointed out to me there, and pointed out to me as a man opposed to Mr. Ingalls. I only say this so that there may be no suspicion cast by insinuation or otherwise upon Mr. Admire's alleged connection with Mr. Ingalls. If the other side can show any agency, that is perfectly competent, and I do

not object to anything. It is not for me to object. The committee can take such course as they see fit. All this evidence, it seems to me, might have been boiled down into about one-hundredth part of what has been received already.

Senator BAILEY. The object which I had was to call the attention of counsel to the great latitude which had characterized the examination of witnesses in this case and the introduction of testimony that had been demonstrated to be of no value whatever of the character which I spoke of. But, as has been stated, there are no rules but the rules of common sense and of common justice that can govern this committee. It is a law unto itself in regard to the admission of testimony. Now, if the counsel are of opinion that they can establish an agency I will withdraw my objection, or if they will say it is probable that they can establish it.

The CHAIRMAN. A witness is on the stand ready to be sworn. If the agency of Mr. Admire or his authorization in some shape is not established, of course anything that he may have said cannot affect Senator Ingalls one way or the other. Perhaps we had as well take the man's testimony; but unless it is connected in some way with Senator Ingalls, of course it can have no weight in the determination of this issue.

Senator CAMERON. Ought not the agency to be first established?

The CHAIRMAN. Sometimes in courts testimony is admitted on the declaration of the court that unless it is followed by some evidence connecting the party, it will not have any weight.

Mr. FENLON. We hesitate, under advice from our client in this case, to make objection to anything, but we must protect our own character as lawyers by asserting that this is not legitimate testimony.

Senator LOGAN. I understood Mr. Webb to speak of circumstances as establishing agency. I should like to know if he expects to prove that there was any authority from Senator Ingalls to this man to act for him, without saying whether that will establish an agency or not.

Mr. WEBB. Direct authority from Senator Ingalls to Admire to act for him?

Senator LOGAN. I merely asked if you expected to show that.

Mr. WEBB. Do we expect to show direct authority? I do not know that I understand General Logan.

Senator LOGAN. You spoke about an agency being proved by circumstances. What I ask is this: do you expect to show authority from Senator Ingalls to Mr. Admire to act for him?

Mr. WEBB. I should have to say no, and yet that is not a correct answer to the question. Let me say that I have no idea that we can show by any man living, Mr. Admire or any other person, that Senator Ingalls authorized him to negotiate with members for their votes. I have no such idea or belief. My position was—I intended to say it and I say it now—that we think, and believe we can prove, that Senator Ingalls was here having several rooms with men in his service employed who were there, that they were constantly associating and negotiating with Mr. Admire and so doing the work which it was known they were doing, openly and publicly using every means to secure the election of Senator Ingalls—that any person who was working in concert and in harmony with them, associated with them from day to day and hour to hour, must be held to be the agent of Mr. Ingalls for such purpose. That is a question for the committee first to decide, and afterwards, perhaps, for the Senate of the United States.

Senator LOGAN. I will put it in different form. Do you expect to show

that he acted within the scope of authority given by Mr. Ingalls to any of his friends?

Mr. WEBB. Yes, sir; I do. We propose to show that the scope of Mr. Ingalls's authority was to get votes, cost whatever it would.

Mr. FENLON. Do you say you expect to show that?

Mr. WEBB. We expect to show that before the testimony in this investigation shall have been closed, whether we show it here before this sub-committee or whether we show it before the full committee sitting in Washington City.

Senator CAMERON. The testimony will be closed before this sub-committee, I think.

Mr. WEBB. I should apprehend not when witnesses duly summoned refuse to appear here.

The CHAIRMAN. Let the witness be examined.

RICHARD H. BALLINGER, a witness called by the memorialists, sworn and examined:

By Mr. WEBB:

Question. Do you know J. V. Admire?—Answer. I do.

Q. How long have you known him?—A. Four years, probably.

Q. Had you any conversation with him at any time concerning any act of his with respect to the Senatorial election of last winter?—A. I had.

Q. When and where did such conversation take place?—A. It took place some time in the fore part of the summer, May or June, I cannot exactly designate the time. The place was at Poppendick's.

Q. In what room?—A. I could not give the number.

Q. Was it the room next the parlor?—A. Along there on that floor somewhere.

Q. State now just what Mr. Admire said to you that he did or knew of being done with respect to Mr. Raybell's vote.—A. He said he was the stranger who approached Mr. Raybell on the street and told him a vote was worth \$250 to \$300; that he made the arrangement with Raybell, and that Mr. Foulkes paid him the money.

Q. What Foulkes?—A. Charley Foulkes, I believe he called him.

Q. You say he said he was the stranger?—A. Yes; Mr. Admire himself.

Q. What was said as to that; was there any discussion as to Mr. Raybell's testimony?—A. There was some talk about it.

Q. Describe Mr. Admire; you say you have known him four years; just describe him.—A. He is a man that would weigh, probably, 160 or 170, heavy built, large mustache, large frame, large head, and prepossessing in appearance. I should call him a fine-looking man.

Q. Black hair and black eyes?—A. Black hair and black eyes.

Q. Black whiskers?—A. I think so.

Q. Was there anything said by you or by Mr. Admire in regard to Mr. Raybell's testimony as given before the house committee of investigation?—A. There was something said; he said Mr. Raybell did not tell it all.

Q. Was any reference made to Mr. Raybell's testimony where he described two persons, one a stranger that met him on the street, and another a man who took him to a room and paid him money?—A. Yes; he said he was the man that met him on the street. That was about all. There was some little talk about it.

Q. Did he say in whose interest he approached Raybell, to support whom?—A. Mr. Ingalls.

Q. Did he say for whom the money was paid to Mr. Raybell—that is, to vote for what candidate?—A. To vote for Mr. Ingalls.

Q. Did he say anything with reference to Senator Finch, the senator from Osage County?—A. He said something.

Q. State what he said in regard to Mr. Finch?—A. He said that Charley Foulkes came to him with \$300 of Ingalls's money—that was the way he put it—and said "Jake, I can't do anything with Senator Finch; you take \$150 of this money and you can influence Finch, probably; you will not have to give him more than \$50 or \$75, something of that kind, and you can have the remainder"; and Admire said he took the money, \$150 of the \$300.

Q. Did he say that he did anything with Finch?—A. He said he went to Finch and got his vote without paying him a cent.

Q. His vote for whom?—A. For Mr. Ingalls.

Q. Did he say anything further about any conversation between himself and Finch, or what occurred between Mr. Finch and Mr. Wilson?—A. He did, but it was conversation between Finch and Wilson.

Q. Admire was relating it to you, was he not?—A. He was.

Q. Tell what Admire said about it.—A. Admire said that Senator Finch got to find out that they were paying election expenses of members, and went to Joe Wilson and wanted his pay; and Admire then said that Joe Wilson went back to Foulkes to know what had become of the \$300.

Q. You said that Foulkes went to him and said "Jake"; what is Mr. Admire's name?—A. We called him Jake.

Q. His name is Jacob?—A. J. V. Admire is his name.

Cross-examined by Mr. EVEREST:

Q. You were here in the interest of Senator Pomeroy, were you?—A. No, sir.

Q. Did you not influence Martin, of Kingman County, to vote for Pomeroy?—A. I do not know that I did.

Q. You paid him no money yourself to get his vote, I suppose?—A. No, sir.

Q. All you know about it is the talk you had with Admire this last summer at Poppendick's?—A. All I know about what?

Q. All you know about the matter you have spoken of is the talk you had at Poppendick's?—A. That is all I know about it, just simply what Mr. Admire said.

Q. When was that?—A. Some time in May or June.

Q. This last May or June?—A. This last May or June.

Q. You and Admire were here in the Senatorial matter, interested together?—A. No, sir.

Q. Interested for opposite candidates?—A. Well, I did not take much interest in it at all.

Q. You had no particular favorite?—A. I did come here first in favor of Mr. Ingalls.

Q. You were not a member of the house yourself?—A. No, sir.

Q. And you changed after you came here?—A. I was changed.

Q. You say you did not come here in the interest of Pomeroy at all?—A. No, sir.

Q. Were you not acquainted with him?—A. I did not know him; I had no personal acquaintance with him.

Q. Did you see Mr. Pomeroy here during the Senatorial contest?—A. I saw him here about the Tefft House once or twice.

Q. Did you stop at the Tefft House?—A. I staid there one or two nights, I think.

Q. Where did Admire stay—where was his boarding place?—A. Admire told me he was in room 120.

Q. Do you know where he stopped?—A. I do not know, only what he said.

Q. You never had any talk with Ingall's yourself?—A. Yes, sir; I was in his room one day.

Q. A talk over the matter you have been testifying about, I mean?—A. Not a word.

Q. You say that you never knew Mr. Pomeroy during that Senatorial canvass?—A. No, sir.

Q. You were not in his rooms nor arguing in his interest?—A. I went up in his room once with a party that was going to introduce me; he was not in, or he was talking to somebody, and I walked out.

Q. That is all you know in regard to it?—A. That is all I know in regard to it.

Q. Did you see Mr. Admire there?—A. No, sir.

Re examined by Mr. WEBB:

Q. Why was it that you changed from Ingalls?—A. I was in favor of Charley Morris's appointment as register of the land office at Larned. When I came here I found out from Mr. Fry that he had the office promised to him. I found out from Mr. Flick, of Edwards County, that he had the land office promised to him, and I saw a newspaper article about how the matter was panning out, and I concluded that Mr. Ingalls was not very reliable if he was making so many promises.

Q. You did not support him further?—A. I did not go into his rooms any more after certain things that I had found out.

Q. I want to call your attention to another matter entirely. Do you know J. S. Danford by sight or otherwise?—A. I know him now.

Q. Did you know him last winter by sight?—A. Yes, sir; I think I did.

Q. Did you see Mr. Danford at any time in the Tefft House go to any person in the office, and obtain from such person in the office a roll or package of money?—A. I did not see him obtain from any person a package of money. I saw Mr. Danford in the office with a roll of money in his hand.

Q. In the office of the Tefft House?—A. Yes, sir.

Q. When was that?—A. That was the night of Horton's nomination.

Q. Before or after the nomination of Horton?—A. Afterwards.

Q. Then it was Friday morning. About what hour in the morning?

—A. I should say four o'clock; as late as that; about that. I cannot fix the time.

Q. If you saw Danford that same morning before you saw him in the office with money in his hand, state where you first saw him?—A. I saw him coming down the steps, down to the first floor, and he went into the front room.

Q. You do not make yourself clearly understood by me?—A. I saw him coming down the steps the first time I saw him.

Q. What steps?—A. The steps from upstairs, coming down stairs.

Q. To the office floor?—A. To the office floor.

Q. Where were you at that time?—A. I was in the hall back of the steps.

Q. Towards the wash-room?—A. Towards the wash-room.

Q. Who was with you?—A. I think, Cy. Leland, chairman of the Republican State central committee, Tom. Cavanaugh, and two or three others.

Q. Were you there with Mr. Leland and others when Mr. Danford came down the stairs?—A. Yes.

Q. You saw Mr. Danford go into the office?—A. Yes, sir.

Q. State whether you followed him?—A. I went around—I might say followed him.

Q. For what purpose?—A. To see what he was doing.

Q. Were you or not requested to do that by Mr. Leland at that time?—A. I was by one of the crowd. I could not say it was Leland, but I think it was Leland.

Q. Upon the suggestion you did follow him?—A. Yes, sir.

Q. State where you saw him go, and what you saw?—A. He went into the office, and I cannot say what took place there before I got around; it took some time for me to go around. When I got around he was standing in the office and had a roll of money in his hand.

Q. Whereabouts did he stand?—A. Inside of the railing of the clerk's desk. He was inside.

Q. Did you notice the clerk who was in there at that time, so as to say who it was?—A. No, sir.

Q. Mr. Danford, you say, was there with a roll. Describe the size of the roll in his hand?—A. I should think it was a good-sized roll of money.

Q. Greenbacks apparently?—A. It looked like greenbacks; it was greenbacks.

Q. Did you notice where he went?—A. Yes, sir.

Q. Where did he go?—A. He went back upstairs.

Q. Did you follow him?—A. I did.

Q. Into what room did he go?—A. He went up the first flight, and up the next flight of stairs into room 120.

Q. Then he went on to the third floor and went into room 120?—A. Yes, sir.

Q. And that, you say, was about 4 o'clock in the morning, after Horton was nominated?—A. To the best of my impression, it was after the crowd had partially left the hall. It was after the burrah there in the office of the Tefft House.

Q. Who were there in the hall when Mr. Danford came down the stairs besides yourself, Mr. Leland, and Mr. Cavanaugh, as you remember?—A. I cannot remember any one else being in the hall. There was a bunch of folks right at the foot of the stairs, probably five, or six, or seven; I do not know how many—a small squad.

Q. You say you have seen Mr. Danford around here within a few days?—A. Yes, sir.

Q. And the man that here appears as J. S. Danford is that man?—A. That is the same man, I think.

Recross examined by Mr. EVEREST:

Q. You have taken quite an active part in this matter of persecution or prosecution of Senator Ingalls, have you not?—A. I do not know that I have taken an active part. I have written some letters to Mr. Stumbaugh.

Q. And Pomeroy?—A. No, I never wrote a letter to Pomeroy.

Q. Did you never write a letter requesting Mr. Pomeroy's influence to egg on this prosecution?—A. No, sir.

Q. Nor to Mr. Stumbaugh?—A. I wrote a letter to Mr. Stumbaugh.

Q. How much in the way of funds have you contributed towards it?—A. Not a red cent.

Q. Only the time occupied in writing letters?—A. That is all.

Q. You say you have not written to Mr. Pomeroy at all concerning this ?—A. No, sir.

Q. No letter ?—A. No letter.

Q. You saw Mr. Danford have some money the morning of the election ?—A. Yes, sir.

Q. Did you see anybody else have any money that day ?—A. I saw some of them betting there on that counter.

Q. At that counter where Danford was ? Are you a betting man yourself ?—A. No, sir.

Q. You did not bet on it ?—A. I thought it was too scary.

Q. There was considerable betting there, was there not ?—A. Yes, sir.

Q. Did you not see lots of people betting on the election that morning ?—A. I did not see lots, but there was a good big crowd there. I did not have access through the crowd.

Q. Did you ever see this gentleman ? (indicating W. W. Smith.)—A. I have seen him.

Q. Did you see him there that morning ?—A. I believe he was there when the crowd was.

Q. There at the counter that you are talking of—where the money was ?—A. Not at that time did I see him.

Q. You did not see any bet made by gentlemen, and a roll of money put in the hands of this gentleman, W. W. Smith ?—A. I do not recollect.

Q. Is it not a fact that a roll of money was exhibited there at that time ?—A. No, sir.

Q. You think that the J. S. Danford you have seen here is the same man ?—A. I think so.

Q. Was Smith, of Lawrence, there ?—A. Smith, of Lawrence, was there too.

Q. At the same time ?—A. At the same time.

Q. As near Danford as you were ?—A. I do not think Smith, of Lawrence, was there when Danford was there.

Q. Was anybody there that lived in Atchison, as you understood ?—A. If there was I did not know him.

Q. Was not a young man there named Chapman who was betting money ?—A. I did not know him if he was.

Q. You saw other people putting up money and betting there ?—A. I saw Mr. McMeekin, and, I think, Smith, of Lawrence. I saw a young man from our own county offering to put up money.

Q. Do you know how much money was put up or offered to be put up ?—A. No, sir.

Q. Do you recollect what was said about the betting on candidates by Mr. Danford or others ?—A. No, sir.

Q. All you recollect is the distinct thing that you saw Danford have a roll of money quite large ; that you are positive of ?—A. I saw a roll of money in Mr. Danford's hands.

By Mr. WEBB :

Q. And saw Mr. Danford go to room 120 with it ?—A. Yes, sir.

By Senator CAMERON :

Q. Did you see Foulkes pay money to Raybell ?—A. I do not know Mr. Foulkes. I did not see anything of the kind.

Q. Did you see any one pay money to Raybell ?—A. No, sir.

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ROBERT A. FREDERICK, a witness called by the memorialists, sworn and examined.

By Mr. WEBB :

Question. You are a resident of this city ?—Answer. Yes, sir.

A. And have been for several years ?—A. Yes, sir.

Q. Are you an attorney-at-law ?—A. Yes, sir.

Q. Are you acquainted with J. V. Admire ?—A. I am.

Q. He is an attorney-at-law, is he not ?—A. Yes, sir.

Q. Yourself and Mr. Admire were formerly partners in the practice of the law in this city ?—A. Yes, sir.

Q. Mr. Admire's present residence is in Osage County ?—A. Yes, sir.

Q. State whether, at any time since the Senatorial election in January last, you had any conversation with Mr. Admire, in which he exhibited to you any money and made any statement as to how he obtained it—say \$150 in amount ?—A. Some time during the Senatorial contest last winter—I do not remember the day—I met Mr. Admire, and we were speaking in a jocular and facetious manner generally with reference to the contest that was then going on ; there was a good deal of excitement and interest. Mr. Admire pulled out a roll of money—I do not know how much there was—and said “here is \$150 ; that is my commission” (or something of that sort) “to-day.” I did not pay much attention to it, because we were in the habit of joking about this thing.

Q. Did he say from whom he received that money ?—A. No, sir.

Q. Did he say upon what matter or transaction it was that he had received that amount as commission ?—A. For buying a vote, I believe he said.

Q. Buying the vote of a member of the legislature ?—A. Yes, sir.

Q. A vote on the Senatorial question ?—A. Yes, sir ; I so understood.

Q. For whom was the man to vote ?—A. I do not think he said.

Q. Whom was he friendly to for the United States Senator at the time he had this conversation with you ?—A. That is a pretty hard question to answer, whom he really was friendly to.

Q. What did he say about it ?—A. I do not remember that he said anything specially with reference to any particular candidate that he was in favor of. He and I, I think, spoke of Pomeroy, or rather, I think, he spoke of Pomeroy as being a pretty good man to go back to the Senate.

Q. Is it not a fact within your knowledge that he came up here opposed to Ingalls and very soon afterwards changed ?—A. I know that he was opposed to Mr. Ingalls very bitterly.

Q. Do you not know that he very soon afterwards changed and was working with Mr. Ingalls's friend for Mr. Ingalls's re-election ?—A. I so understood it.

Q. And understood it from him, did you not ?—A. I inferred it from language that he used ; but to say who he said he was for, I cannot say. I know that he spoke of a number of men.

Q. Whose vote was it to be bought, in negotiating which and for which he received this \$150 as commission ?—A. He did not give me the names of the members.

Q. Was it not the vote of Senator Finch ?—A. He did not say that much.

Q. He did not designate anybody ?—A. No, sir ; I do not remember ever hearing him mention the name of Senator Finch in my life.

Q. Did you ever hear him say anything about Mr. Raybell, a member

of the house?—A. I think I have heard him mention Mr. Raybell's name, but in what connection I am unable to say.

Cross-examined by Mr. EVEREST:

Q. State if you did not know when Mr. Admire came here to Topeka during the Senatorial contest, and if you do not now know that he was bitterly opposed to Senator Ingalls?—A. I have heard him express a good deal of animosity towards Senator Ingalls by reason of a post-office matter or something of that sort.

Q. Is he not so to day, as a matter of fact?—A. I really think he is.

WILLIAM M. CONGDON, a witness called by the memorialists, sworn and examined.

By Mr. WEBB:

Question. You were a member of the house of representatives last winter, were you not?—Answer. Yes, sir.

Q. Representing Harvey County?—A. Yes.

Q. Whom did you favor for United States Senator?—A. I first voted for Judge Campbell and I voted for Governor Anthony second.

Q. Were you in the anti-Ingalls caucus?—A. I was.

Q. And finally voted for Judge Horton?—A. I did.

Q. Do you know George W. McClintick, who was a member of the house of representatives from McPherson County?—A. I do.

Q. State whether you had any conversation with Mr. McClintick in regard to money being used by Ingalls or Ingalls's friends to advance the election of Mr. Ingalls as United States Senator.—A. I did.

Q. When did such conversation take place?—A. It was a short time before the election. I do not recollect now just what day it was.

Q. State how it happened or occurred that you talked to Mr. McClintick?—A. Well, different parties came to me and said that such things were being done.

Q. Said that what was being done?—A. That they were using money; those were the words. I asked them who, what particular ones, as I wanted to know the truth of it, as it was generally understood I should vote for Mr. Ingalls when Mr. Anthony was out of the field. I was referred to Mr. McClintick as being one.

Q. As being one of what?—A. One of the parties that had received or been offered money for his vote.

Q. To vote for whom?—A. To vote for Mr. Ingalls.

Q. From such information you went to Mr. McClintick?—A. I went to Mr. McClintick and asked him if he knew such to be the fact that they were using money, and he said he did.

Q. When you say that you asked him if he knew such to be the fact that they were using money, state who were using money.—A. Mr. Ingalls or Mr. Ingalls's friends. That was the way I put it to him.

Q. What else did Mr. McClintick say, if anything?—A. I do not remember that he said anything, only he showed me that he knew they were using money.

Q. State whether or not you went with Mr. McClintick to Governor Anthony's room.—A. I do not remember now; could not state certainly. I presume we did, but I have no recollection of it.

Q. Did you yourself go to Governor Anthony's room after your conversation with Mr. McClintick?—A. I presume I did.

Q. Do you remember going there and telling him what Mr. McClintick had said?—A. I do not remember now.

Mr. EVEREST. Is this evidence introduced with the expectation of showing that Mr. McClintick was the agent of Mr. Ingalls?

Mr. WEBB. No, sir.

Cross-examined by Mr. EVEREST:

Q. Did Mr. McClintick vote for Mr. Ingalls?—**A.** I think he voted for Mr. Horton.

Q. You voted for Mr. Horton?—**A.** I did.

Q. And what you have been detailing is what McClintick told you?—**A.** Yes, sir.

Q. Did you vote for John J. Ingalls on the final ballot?—**A.** No, sir.

Q. You were for Ingalls before this statement was made to you about the use of money?—**A.** Yes, sir; Mr. Ingalls was my second choice.

Q. When you first came here you were for Ingalls after Anthony was off the track?—**A.** Yes, sir.

Q. But after McClintick, who was a Horton man and opposed to Ingalls all the time, told you that Ingalls's friends were using money, that turned you the other way, and you voted for Horton. Is that it?—**A.** Yes.

DAVID AULD, a witness called by the memorialists, sworn and examined:

By Mr. WEBB:

Question. You reside in the city of Atchison, in this State?—**Answer.** Yes, sir.

Q. How long have you resided there?—**A.** Twenty-two years.

Q. What is your business?—**A.** I am a banker.

Q. What is the name of your bank?—**A.** First National Bank of Atchison.

Q. What position do you hold, if any, in that bank?—**A.** I am its president.

Q. Were you president of that bank last winter?—**A.** Yes, sir.

Q. What is the name of the cashier of your bank?—**A.** J. T. Copeland.

Q. Was Mr. Copeland cashier of your bank last winter?—**A.** Yes, sir.

Q. State whether you are acquainted with Senator Ingalls.—**A.** I am.

Q. How long have you known him?—**A.** About twenty years.

Q. Were you in Topeka at any time last winter?—**A.** I came to Topeka on Tuesday previous to the election of Senator Ingalls and remained until about two o'clock on Saturday after the election.

Q. At what hotel did you stop?—**A.** I stopped with my friends; I have relatives here.

Q. Who are they?—**A.** Mr. Woodward is my father-in-law, at the corner of 7th and Monroe streets.

Q. Did you feel any interest in the last Senatorial election?—**A.** Yes, sir.

Q. Were you particularly favorable to any one candidate?—**A.** Yes, sir.

Q. What candidate was that?—**A.** Mr. Ingalls.

Q. State whether or not your business here during the time you have mentioned was to advance the interests of Senator Ingalls in that Senatorial canvass?—**A.** I came here to indicate to Mr. Ingalls by my presence that I wished him success and desired his election.

Q. State whether or not you came here at Senator Ingalls's request.—**A.** No, sir; I had not spoken to him for two months at least.

Q. You had corresponded with him, had you not?—**A.** No, sir; not a line or a word between us.

Q. Do you know J. S. Danford ?—A. Yes, sir.

Q. Who is he ?—A. I think he represents a bank at Osage City, in this State.

Q. Did you see him here ?—A. Yes, sir.

Q. He was also here by his personal presence encouraging Senator Ingalls in his canvass, was he not ?—A. I understood he was favorable to Mr. Ingalls.

Q. Do you know Calvin Hood ?—A. Yes, sir, well.

Q. Where is his residence and what is his business ?—A. Emporia. He is a banker, I believe.

Q. He too was here doing what he could to advance the interests of Senator Ingalls, was he not ?—A. I understood so.

Q. Do you know Byron Roberts ?—A. Yes, sir.

Q. Who is he ?—A. Cashier of the Topeka Bank, I believe.

Q. Lives here ?—A. Yes, sir.

Q. Did you not understand and know that he was also a friend of Senator Ingalls, doing what he could for his election ?—A. I think so.

Q. Do you remember where you were on Thursday night before the final vote was taken for Senator ?—A. I was at my father-in-law's in bed late in the evening, but there was such a terrible racket all over town that I came up to the Tefft House.

Q. You were there in bed, you say, in the evening. What time did you go to Mr. Woodward's ?—A. About eight o'clock or nine, I believe.

Q. What time did you leave Mr. Woodward's ?—A. I think probably twelve or one o'clock ; I do not know exactly.

Q. State whether you were not sent for to go up to the hotel.—A. I think some friend of mine came down and stated there was a terrible row up there, and it looked very gloomy for Mr. Ingalls, and I went up.

Q. Who was that friend that came down for you ?—A. I cannot remember just now. It was one of my acquaintances from Atchison, but I cannot place him now.

Q. He told you it then looked gloomy for Mr. Ingalls ?—A. He did not say particularly that, but he stated that Horton had been nominated and an effort was being made to elect him, and he knew I was solicitous in regard to Mr. Ingalls's welfare.

Q. Then the hour he came for you was an hour subsequent to the time when Mr. Horton had been nominated ?—A. Well, Mr. Horton roomed in the same building, and I was restless ; I was up, about ready to go at any rate. Guthrie and others of Horton's friends were tramping up the stairs, and I heard pretty near everything they said for an hour.

Q. What I want is this: When this friend of yours came for you had not Horton then been nominated ?—A. I do not know whether he had been or not. He probably had been.

Q. I understood you to say, and I wanted to make it certain, that this friend who came for you told you Mr. Horton had been nominated and it looked gloomy for Mr. Ingalls ?—A. Probably that was the case. I am not positive whether they had come from the State house or not, but it was just about that time.

Q. When you went to the Tefft House ?—A. Yes, sir.

Q. Did this friend of yours accompany you up there ?—A. I do not think he did.

Q. When you went to the Tefft House where did you go ?—A. I was in Ingalls's room.

Q. Can you give the number of that room ?—A. No, I cannot ; it is over the office.

Q. What other room?—A. I was in a room opposite Pomeroy's quarters.

Q. On the floor above Ingalls?—A. The third floor, on the north side of the hall.

Q. Who occupied that room?—A. I think Mr. Danford.

Q. How long was it from the time you left Mr. Woodward's until you were in Mr. Danford's room?—A. I do not know. I was down at the Fifth Avenue, I think, before I went up there for sometime between the time that I left there, an hour afterwards, I think, before I was in that room.

Q. Did you see Mr. Hood at the Fifth Avenue Hotel?—A. No, sir; not that morning.

Q. Did you see Mr. Hood up in Mr. Danford's room?—A. I had seen him there a day or two before, and I may have seen him there that evening, but I do not remember.

Q. I have reference to the morning; I suppose we mean the same time?—A. I mean morning; the morning previous to the election.

Q. Whom did you find, that you can now designate, in Mr. Danford's room, and who came there while you were there that morning?—A. There were persons passing to and fro constantly. I cannot remember any particular person. They were consulting in regard to the prospects, as they had been for two or three days.

Q. Who were consulting?—A. Persons that were in the room.

Q. Mr. Danford was consulting?—A. I cannot say positively that Danford was in the room. I cannot designate any one that was in the room that morning.

Q. Was Mr. Hood consulting?—A. I do not know who was there particularly.

Q. Were you consulting?—A. I was talking.

Q. Were you consulting with respect to the proper measures to be taken to secure Mr. Ingalls's election?—A. No, sir; I never had a word in regard to the policy of his election at all, and was not consulted in any particular.

Q. State what your business was there in that room that morning.—A. Nothing in particular, excepting just to gain the best information I could in regard to what would probably be the result of the ballot that day.

Q. Was there any talk or discussion there about money?—A. No, sir.

Q. Nothing at all?—A. Nothing.

Q. Was it not talked there by Danford that at one time Ingalls could have been elected for \$5,000, but at that particular time it would take \$10,000 to elect him?—A. I do not remember any talk of that kind.

Q. Do you know Samuel N. Wood; this man sitting here? (Indicating.)—A. Yes, sir.

Q. Did you see Mr. Wood there that morning?—A. I met Mr. Wood in that room during my stay in Topeka, but I cannot remember whether Mr. Wood was there that morning or not.

Q. Do you know James Auld, of Iberia, Ohio?—A. I do not know that I do.

Q. Do you recollect talking about him with Mr. Wood?—A. No, sir; I do not. I have got some relatives in Ohio, and I may have a cousin there by that name. Some conversation of that kind might have occurred, but I do not recall it at this time.

Q. Had you ever met Mr. Wood before the time you met him in that room?—A. I had seen Mr. Wood twenty-five years ago in Ohio. I

did not speak to him; but when I came to this State I saw Mr. Wood here in Topeka. I knew it was the man. I had heard him make a Kansas speech just about the time of the troubles.

Q. Then you were not personally acquainted with him here previous to your meeting him in that room?—A. No, sir; I just knew him for years by sight.

Q. Do you not remember that Calvin Hood introduced him to you?—A. I do not think he did, because I knew him well enough to speak to him and had been speaking to him.

Q. Did you speak to him when you met him, without any introduction?—A. I have met Mr. Wood occasionally the last ten years, and I knew him and supposed he knew me; but no extended remarks ever passed between us. That is the best of my recollection.

Q. You may state whether or not yourself, Calvin Hood, and J. S. Danford, in that room 120, were discussing how you could raise the means necessary to secure the election of Mr. Ingalls.—A. No, sir; nothing of the kind was discussed.

Q. Do you not remember that Mr. Danford said that if you would be responsible for a certain amount of money he, Danford, would put the money up?—A. No, sir; not that I remember of. I never had any conversation in regard to money to buy votes during my stay in Topeka.

Q. Did you not loan Mr. Ingalls some money?—A. Yes, sir.

Q. When?—A. Just previous to my going to the train at two o'clock on Saturday after the election.

Q. How much?—A. It was something near \$1,200. I do not remember the exact sum.

Q. Did you not indorse a note for Mr. Ingalls on Friday morning before the final vote was taken?—A. No, sir.

Q. Did you indorse a note for any person?—A. No, sir.

Q. Did you execute a note yourself?—A. No, sir.

Q. Did you draw on your own bank or upon any other bank for any money?—A. No, sir.

Q. Where did you stay last night?—A. At my father-in-law's.

Q. Were you not at a very late hour last night at the Tefft House in company with several gentlemen?—A. No, sir; I was at home before nine o'clock or about nine.

Q. Did you remain there then until morning?—A. Yes, sir; I was at home all night.

By Senator LOGAN:

Q. You mean at your father-in-law's?—A. Yes, sir.

By Mr. WEBB:

Q. You may state whether Mr. Ingalls is not indebted to you now.—A. Yes, sir.

Q. In what sum?—A. I stated before I could not tell the sum; but I think it is in the neighborhood of \$1,175.

Q. That is one note?—A. That is the only note he owes me.

Q. Does that represent the only indebtedness that he owes you?—A. Yes, sir; that is all.

Q. Did he owe you anything more than that during last winter?—A. No, sir.

Q. Is it not a fact that he is indebted to you in the sum of about \$14,000?—A. No, sir; Mr. Ingalls owes the First National Bank of Atchison \$1,175; that I loaned him on that Saturday, and it is the only cent he owes the bank or myself.

Q. I did not make a distinction between you and the bank in the questions?—A. And I include both.

The CHAIRMAN. Mr. Webb, I do not think we are here to inquire into the private pecuniary affairs of Mr. Ingalls. If the witness states that he is indebted to him for any money advanced to Mr. Ingalls for the purpose of securing his election, it is a proper subject of inquiry; but into the private pecuniary affairs of Mr. Ingalls we have no jurisdiction to inquire, and in my judgment it is not a proper subject of inquiry.

Q. (By Mr. WEBB.) Mr. Auld, you said that you knew Mr. Danford, Mr. Hood, and Mr. Roberts. I ask you if yourself and those three gentlemen were in consultation on that Friday morning?—A. I cannot say. I may have met them and had some conversation in regard to the general outlook, but nothing more.

Q. You say you remained here after the Senatorial election, until Saturday at two o'clock, and then went home?—A. Yes, sir.

Q. After the Senatorial election and before you left here, state whether yourself and Mr. Danford, and Mr. James S. Merritt did not spend several hours together settling up campaign expenses—expense accounts I mean.—A. All I know about it is simply this: I have no secret about it and never had. Mr. Ingalls spoke to me in regard to some money in the event that he should not have enough to pay his expenses, and said he did not wish to leave here owing a cent, and he asked me if it would be convenient for me to procure him some money; he did not know that he would need it. That is about all that was said about money, only that I indicated he could have money for that purpose. Mr. Ingalls stated that he would not need any money and did not need any then, and I told him about one o'clock on Saturday, if he needed it, he had better tell me, because I must go home. He said he did not need any, but after consultation with his friends and getting their bills together—I noticed one or two of his friends, I think Mr. Merritt was one of them, figuring up on a piece of paper; it was composed of ten, fifteen, or twenty items, and they arrived at the figures that I have named as the result. I had not time to go to the bank and get the money; I had to go to bank and draw the money on my check; Mr. Hood was going down to the Fifth Avenue Hotel, and asked me if I could not hand the money to Mr. Hood. They told me that would be satisfactory, and on my way to the train I went into Mr. Jewell in the Topeka Bank and got the money and handed it to Mr. Hood and went home. That was the only money I know any thing about.

Q. Where did you get your breakfast that morning?—A. I got it at my father-in-law's.

Q. Were not Mr. Danford, yourself, and Mr. Hood, in room 120 after breakfast?—A. I do not remember. I might have been.

Cross-examined by Mr. EVEREST:

Q. You say that the night previous or the morning of the day when the final ballot was taken, there was considerable noise in the house where you roomed?—A. Yes, sir.

Q. Did Judge Horton have rooms there?—A. Just a partition between us.

Q. Were you not woke up by the constant tramping up and down the stairs to his room?—A. I went to bed early and did not sleep a wink.

Q. Do you not know, or did you not ascertain, that a car load of persons had come up from Atchison that night in the interest of Senator Ingalls?—A. I did not understand that until after I got up on the street.

Q. Your bank is not advancing money in politics, is it? You do not run a bank on that basis?—A. No, sir.

Q. And you have not taken much part in politics?—A. None at all.

Q. You say you were personally in favor of the election of Senator Ingalls?—A. He is my townsman and friend and neighbor.

Q. I ask you if a large number of the principle business men of Atchison were not here at Topeka in his interest?—A. Yes, sir.

Q. I ask you if a majority of them were not?—A. Yes, sir; nine-tenths.

Q. Of the principal business men?—A. Yes, sir.

ROBERT W. WRIGHT, a witness called by the respondent, sworn and examined.

By Mr. WILLIAMS:

Question. Were you in the office of the Tefft House on the morning shortly after the adjournment of the anti-Ingalls caucus?—Answer. Yes, sir; I was there all the evening.

Q. You were there after the adjournment of that caucus?—A. Yes, sir.

Q. About what hour in the morning was that?—A. I should think between three and four o'clock in the morning.

Q. Was there a large crowd in the room?—A. An immense crowd.

Q. Do you know J. S. Danford?—A. I know him when I see him, but am not personally acquainted with him.

Q. Did you see him in that room that morning?—A. I do not remember whether I saw him there or not.

Q. Did you see W. W. Smith that morning?—A. I saw W. W. Smith.

Q. Did you see any wads of money?—A. I saw a good many pull out money and offer to bet on the result of the election that morning.

Q. Did you see any fair-sized bet made by any one?—A. I saw Mr. W. W. Smith, of Marshall, take some \$200 from some one as a bet; he was to hold the stakes.

Q. Did you see any one handling either large or small sums of money that morning, except in the way of pulling out and offering to bet?—A. I did not.

Q. Were you in a situation where you saw what took place as well as other men?—A. I was noticing all those things; I was interested and felt like betting on my own man myself.

Q. There was a crowd of people there, you say?—A. A great crowd; all excited.

Q. Did you state the amount of money put up in Mr. Smith's hands?—A. Two hundred or two hundred and fifty; I think two hundred and fifty dollars.

Q. Do you know who made that bet?—A. I do not remember at the present time who it was that made the bet. I know that he held the money. There were a great many offering to bet. Many of them were strangers to me, and I could not remember who they were.

Q. State as near as you can the hour in the morning.—A. I should judge it was near four o'clock in the morning.

Q. How much later did you remain there?—A. I remained there until about six and a half and then went to bed.

Q. Did the crowd remain there?—A. A good many were there when I went to bed.

Cross-examined by Mr. WEBB:

Q. Who was your candidate that you would like to bet on?—A. I was in favor of Mr. Ingalls myself.

WILLIAM W. SMITH, a witness called by the respondent, recalled for further examination.

By Mr. WILLIAMS:

Question. After the adjournment of the anti-Ingalls caucus, and before daylight, were you made stakeholder for any bet in the office of the Tefft House?—Answer. I was.

Q. What was the amount bet, and who were the betters?—A. I had in my hands \$250.

Q. Placed there by whom?—A. \$100 of it was put there by, I think his name is E. A. Smith, of Lawrence, and the other \$100 was put there by Mr. Peabody, a railroad agent at Atchison; Mr. Peabody betting that Mr. Ingalls would be re-elected; Mr. Smith, that he would not, and George Florence, of Atchison, put \$25 more, and some other party put \$25 up against it also.

Q. Did you see other parties flourishing money and offering to bet?—A. Yes, sir; there was considerable money about there at that time.

Q. Did you see any money flourished except by parties offering to bet?—A. No, sir.

Q. Was there a crowd there in the office?—A. A great crowd.

Q. And continuously until daylight?—A. Yes, sir.

Q. Did you see J. S. Danford that evening?—A. At that time I did not know who Danford was, but I have seen him since I have been here, and Mr. Danford, the gentleman whom I have seen here since I have been here, was not there that morning.

Cross-examined by Mr. WEBB:

Q. You say Mr. Danford was not there. How large a crowd was there?—A. They were going and coming all the time. When I speak of his not being there, I mean he was not at the desk where this money was being bet, either on the inside or on the outside.

Q. At the time that these bets were being made and that you were holding the stakes?—A. Yes, sir.

Q. What length of time did that consume?—A. There were two or three of the parties pretty drunk, and it took them some considerable time to make the bets.

Q. That does not answer the question. How long were you there holding stakes for bets being made on and against Ingalls?—A. I will tell you how I came to be there——

Q. I do not care how you came to be there. Answer the question, please.—A. Perhaps I was there half an hour. They were consuming half an hour in making the bets.

Q. You did not know Mr. Danford then?—A. No, sir.

Q. You have learned to know a man since that whom you now understand to be J. S. Danford?—A. I have seen him here.

Q. A man you did not then know, but have since learned to know, you say, was not around the counter there, and not around that office where you were?—A. I do.

Q. This was the office of the hotel?—A. Yes, sir.

Q. Was not that room crowded full?—A. It was not crowded full; not fuller than I have seen it at other times; but there were a good many people going and coming.

Q. About how many in the room?—A. I could not say. There might have been from twenty-five to fifty going and coming all the time.

Q. You say that Danford was not one of them?—A. I say Danford was not at the counter.

Q. That you saw ?—A. If he had been there I think I should have seen him.

The CHAIRMAN. We made an order this morning—

Mr. RIGGS. We are ready to comply with it.

Mr. EGERS handed a paper to the chairman.

The CHAIRMAN. Gentlemen, I have received a statement from counsel for the memorialists that they will offer no evidence touching the following specifications: Specification 3, touching the vote of Hon. L. P. Hamilton; specification 5, touching the vote of Hon. L. E. James; specification 6, touching the vote of Hon. G. W. Greever.

Mr. RIGGS. That covers all as to which we have given no præcipes for witnesses.

Senator BAILEY. Have you issued subpoenas for all the witnesses you expect to introduce to sustain the remaining charges in the second memorial?

Mr. RIGGS. I think not, but we have filed præcipes for all.

The CHAIRMAN. The witnesses summoned in regard to these specifications may be discharged.

Mr. RIGGS. Now, on behalf of the counsel for the memorialists, I offer to insert the name of E. C. Manning in the list of members of the legislature exculpated, his name having been omitted by mistake in the paper previously filed. It was an oversight that his name was not inserted before.

The CHAIRMAN. What is to be done in regard to McClintick?

Mr. RIGGS. Mr. McClintick, we understand, is perhaps at the point of death, as the committee has been advised. We took out a subpoena for him early, and that is the information we have had. There are two witnesses, Puterbaugh and Congdon, summoned as to admissions made by McClintick as to his having received money to influence his vote.

The CHAIRMAN. I am advised that there is no expectation of Mr. McClintick's recovery.

Mr. WEBB. If we become satisfied that Mr. McClintick cannot be here to testify, we shall then offer in evidence his testimony taken before the house legislative committee, but in no other event.

Mr. EVEREST. If the gentlemen make any such offer, we are willing to let it go in.

Senator BAILEY. Mr. McClintick is lying at the point of death, it is said, and it is extremely improbable that he will recover so as to reach Topeka while we are here. That being the condition of affairs, would it not be well to introduce that testimony at once?

The CHAIRMAN. The great probability is that there is no way to get the testimony of Mr. McClintick except by the introduction of his statement before the legislative committee, or an application for a subpoena to issue for him, if he shall recover, returnable at the city of Washington. Counsel must take their choice as to which of these modes they will use.

Mr. WEBB. We will answer to-morrow morning.

The CHAIRMAN. Upon a simple proposition of that sort no great deliberation can be required. If you apply for a subpoena for McClintick, his testimony taken before the legislative committee ought not to go in evidence here at present. If you agree to take that testimony as it is, we will consider the question of its admission.

Mr. WILLIAMS. We desire the committee to understand that we have no objection to its admission. Mr. McClintick was twice examined before the legislative committee, and we have no objection to his testimony as there taken being received in evidence.

Mr. RIGGS. Everything got out of Mr. McClintick then was wrested from him, and he refused to answer some questions. We believe it to have been a very partial examination, and we do not desire to present that testimony in its present form.

The CHAIRMAN. We do not wish to force you to admit it here. We only state the fact that there is no probability of the man's being here.

Mr. PECK. His wife and mother have just died, and he himself is lying at the point of death.

The CHAIRMAN. Two deputies have been sent for him, and they report him sick in bed.

Mr. WEBB. On reflection, Mr. Chairman, we concur with the last suggestion, that a subpoena be issued for Mr. McClintick returnable at Washington.

The CHAIRMAN. Then you do not propose to offer his testimony here?

Mr. WEBB. No, sir.

Mr. EVEREST. That, of course, will necessitate the summoning to Washington of witnesses to contradict any statements he may make.

The CHAIRMAN. We shall certainly not issue a subpoena for any witness returnable at Washington who can be examined here.

Mr. EVEREST. We cannot reasonably be asked to introduce any witness as to McClintick's testimony until we know what it is.

The CHAIRMAN. Counsel for the memorialists will inform us to-morrow of their determination in this matter. Now, there being no further witnesses present for the memorialists, the respondent will proceed with his case.

WILLIAM HENDERSON, a witness called by the respondent, sworn and examined.

By Mr. FENLON:

Question. What district did you represent in the legislature last winter?—Answer. The fourteenth.

Q. Where is that district?—A. In Leavenworth County.

Q. By what political party were you elected?—A. The Democratic.

Q. You come from the celebrated Kickapoo district, do you not?—A. Yes, sir.

Q. Were you a member of the Democratic caucus on the meeting of the legislature?—A. I was.

Q. Who was the nominee of that caucus?—A. John R. Goodin.

Q. For whom did you vote in the separate sessions and the joint convention?—A. John R. Goodin.

Q. All the time; from first to last?—A. Yes, sir.

Q. Did you hear the testimony of Mr. Gable, this morning?—A. I did not. I was not in the room.

Q. You have read his testimony, as reported in the printed proceedings of the legislative committee?—A. Yes, sir.

Q. You have read that portion of his testimony wherein he speaks of your showing him some money in your room?—A. Yes, sir.

Q. State the circumstances.—A. I went up into the room one morning, some time during the week of the Senatorial contest; I do not know just what morning.

Q. Was that your own room?—A. Yes, sir; I was occupying the same room with Mr. Gable. At the time when I started up, I went up with the intention of paying him some money that I was owing him. I went into the room and pulled out what money I had and showed it to him, and my recollection is that I asked him if he wanted any money or

what I was owing him. He said it did not make any difference. I told him I had plenty of money, and made some remark, jocularly, as we were in the habit of doing frequently. I rather jocularly intimated that I had received it from some candidate for United States Senator, and passed out. That was all there was of it.

Q. Was the remark entirely jocular?—A. Yes, sir.

Q. Was it a fact that you did receive it from any of the candidates or from any of their friends?—A. No, sir; it was not.

Q. Did any friends of Mr. Ingalls ever tender you or offer you money to vote for him?—A. He did not.

Q. You did not vote for any Republican?—A. I did not.

Q. Did you ever make any admission to Levi Wilson or any other person in any way other than you did to Mr. Gable?—A. No, sir.

Q. Was it not a fact that during the entire session members jocosely remarked about getting money, selling out, and things of that kind?—A. It was a very common thing among members at that time.

Q. The fact is, you stuck to Mr. Goodin from beginning to end?—A. Yes, sir.

Q. You went into the Democratic caucus at the beginning of the session?—A. I did.

Q. And agreed with the other Democratic members to stand by the Democratic nominee all through?—A. I did.

Q. And you did so?—A. I did.

By Senator BAILEY:

Q. How many of you stood by the Democratic nominee all the way through?—A. Two.

By Mr. FENLON:

Q. Did not the caucus subsequently abandon its organization?—A. Yes, sir.

Q. And agreed to let the members go as they pleased?—A. It did.

Cross-examined by Mr. WEBB:

Q. What is your occupation or business?—A. I am a farmer.

Q. State how much money you brought here to Topeka with you when you came as a member of the legislature.—A. I brought about \$85 in my pocket when I came here.

Q. About what time was it when you showed this money to Mr. Gable?—A. I think it was some day during the week of the Senatorial contest. I do not remember just what day.

Q. You say you took the money out, and think you remarked or asked if he wanted a portion of what you owed him?—A. Yes, sir.

Q. Did you owe him anything?—A. I did; I will explain that to the committee.

Q. How much did you owe him?—A. I do not know from this fact; I think I have a perfect right to explain—

Q. I do not object to your explaining.—A. Mr. Gable had sold Mr. McMeekin, the proprietor of the Tefft House, some cigars, and he asked me to retain my portion of the board bill there and give it to him if that was satisfactory to Mr. McMeekin; I asked Mr. McMeekin about it, and he said "all right, pay it to Mr. Gable"; that was the way I came to owe him; I do not remember now how much it was; I was owing him something on my board bill.

Q. As a matter of fact your board bill was paid by Gable in the first instance?—A. Yes, sir.

Q. Instead of your paying Mr. McMeekin or McMeekin & Hartzell your board bill, Gable paid it for you?—A. Yes, sir; in cigars.

Q. Was not the reason you did not pay your board bill because you did not have the money?—A. O no, sir; I had the money.

Q. Was it not just as convenient to you to pay the money to McMeekin & Hartzell as it was to pay Gable for the cigars?—A. It was exactly; Tom wanted his money, though, and he was afraid he would not get it from them.

Q. Mr. Gable is your brother-in-law, is he not?—A. No, sir; my cousin.

Q. You say you went into the room where he was, took some money out of your pocket, and after some other remarks, you said jocularly, what?—A. Well, just what I told before.

Q. Repeat it, please.—A. That I had plenty of money now, or something to that effect; I do not remember just the words I used, but I say I jocularly intimated in some language that I had received money from some of the candidates.

Q. Then you stated in substance to him, "I have got plenty of money now," implying that you had not had plenty of money before?—A. O, I do not know whether that would be implied or not.

Q. Did you have plenty of money then?—A. I had some money; I do not know what you would call plenty.

Q. Did you have plenty of money at that time?—A. I do not know whether you would call what I had plenty or not; I can tell you in the neighborhood of what I had.

Q. You remarked to Mr. Gable, "I have got plenty of money now." Did you have plenty of money then?—A. I say I do not know what you would call "plenty"; I can tell you how much I had if you want to know, you may call it plenty or scarce.

Q. And you intimated to him that you had received what money you did have from some Senatorial candidate for your vote?—A. Yes, sir.

Q. You regarded it as a joke to announce to a fellow-member of the legislature that you had money in your pocket or in your hands, which you were exhibiting, money which you had received from some Senatorial candidate for your vote for United States Senator, as a member of the legislature?—A. That was a thing we were in the habit of doing in that room and among a good many other members of the legislature.

Q. You did that at that time?—A. I did.

Q. Did you intimate to him from what Senatorial candidate, or the friends of what candidate you had received that money?—A. I did not.

Q. Did you not tell Mr. Gable that you had then got a dead-shot case on Ingalls?—A. No, sir; I did not.

Q. Did you not tell Mr. Gable that you had got a dead-shot case on Ingalls; that you had got his money?—A. I did not.

Q. Did you not say that to Mr. Gable at any time?—A. No, sir; positively I did not.

Q. Did you not say that in words, or in substance, to Levi Wilson, of the city of Leavenworth?—A. I did not. Positively I did not intimate such a thing to Levi Wilson or any other man.

Q. Was one of your colleagues named George Y. Bevins?—A. Yes, sir.

Q. Did you not say to Mr. Bevins that you had got a dead-shot case on Ingalls, and that you had got his money?—A. No, sir.

Q. Do you know George A. Eddy, a druggist in Leavenworth?—A. I am slightly acquainted with him. I never met him until last winter.

Q. You know who he is?—A. Yes, sir.

Q. Did you not say to Mr. George A. Eddy that you had got a dead-hot case on Ingalls, and got his money?—A. I never had a conversa-

tion with Mr. Eddy on any subject except once; he came to me on the cars when we were coming up here, the day before the legislature convened, and asked me if I could not vote for George T. Anthony. He was particularly anxious to elect Anthony. That was the only conversation I remember ever having with Mr. Eddy.

Q. Is it not the fact that you did have Ingalls's money, or money that you supposed was Ingalls's money?—A. It is not a fact.

Q. Is it not the fact that money was paid to you to influence your vote for United States Senator?—A. No, sir.

Q. Do you know Asa Barnes, of Atchison County?—A. Yes, sir.

Q. Was he not a friend of Mr. Ingalls, here in the interest of Mr. Ingalls during the Senatorial election?—A. I believe he was.

Q. Did not Mr. Asa Barnes pay you money to influence your vote for Senator?—A. I say positively he did not, nor offer to pay me any money.

Q. Do you know Charles M. Foulkes, of Osage County?—A. I do not know any man by that name.

Q. Did you see any man whom you knew was Mr. Foulkes last winter?—A. None that I knew as Mr. Foulkes.

Q. Did you see a man by the name of Admire last winter?—A. I did not. I do not know a man of that name.

Q. Did you see Mr. J. S. Danford last winter?—A. I do not know Mr. Danford; never saw him until yesterday morning, when he was pointed out to me on the street.

Q. Did you see J. S. Merritt?—A. Yes, sir.

Q. Did Mr. Merritt pay you any money for your vote?—A. No, sir; Mr. Merritt never talked with me. I did not get acquainted with him until after the Senatorial election, I believe.

Re examined by Mr. FENLON:

Q. How much money did you have that morning?—A. That morning I had about \$125 in my pocket, I believe.

Recross examined by Mr. WEBB:

Q. At the conversation between yourself and Mr. Gable, did you hand him a roll, or package, or handful of money?—A. I exhibited it to him. I do not think I handed it to him.

Q. Did he not take in his hand what you had in your hand and turn the ends up?—A. No, sir.

Q. You heard his testimony here to-day, did you?—A. No; I was not in here.

Q. Did he not take it from your hand, or did you not hand him the package of money?—A. I do not think I did, but I would not be very positive.

By Mr. FENLON:

Q. Where did you get that money that you had that morning?—A. I got \$52 and something from the State treasurer as my mileage and per diem.

Q. Where did you get the balance?—A. I brought it up here with me, as I stated.

By Mr. WEBB:

Q. How much did you say you got from the State treasurer?—A. \$52 and something.

Q. How much did you bring from home?—A. About \$85.

Q. And that made near \$150?—A. No; I said it was in the neighborhood of \$125. I am not positive how much it was.

Q. You had had that \$85 in your pocket before that time, had you?—
A. Yes, sir.

Q. Could you not have paid Mr. Gable for the cigars out of the \$85 without waiting until you received the money from the State treasurer?—
A. I could; but I asked him about it once or twice, and he said he was in no particular hurry.

Q. How did it happen that you had \$85 in your pocket which you kept there for ten days?—A. I brought it up here.

Q. Wait a moment, and then received your per diem and your mileage, that you put the whole amount together and took it in your hand and showed it to Gable?—A. It was just that way; I put it together.

Q. I know you said it was that way; but how did it happen?—A. Because I chose to do it that way.

Q. How did it happen that you took \$85 which you had carried ten days and put it with \$52 which you received from the State treasurer in one roll or package and showed it to Mr. Gable, and intimated that it was money you had got from a Senatorial candidate?—A. I generally put my money all in one roll.

Q. Were you in the habit of practicing jokes of that character last winter?—A. I did on several occasions in the room there with the boys. There were four of us.

By Mr. FENLON:

Q. Answer this general question: Did Mr. Ingalls or his friends or any other candidate or any of the friends of any other candidate ever give you any money or thing of value or promise you anything to vote for him?—A. They did not.

Q. Was it not a fact that members of the legislature that owed the hotel where they boarded were being garnisheed?—A. Yes, sir.

Q. Was not that one reason why this transaction took place?—A. Yes, sir.

Q. They did not want to be troubled about being garnisheed where they owed a debt to the hotel?—A. No, sir.

By Mr. WEBB:

Q. Did you certify on this same question before the house legislative committee last winter?—A. I did.

Q. What sum of money did you state there was, the money you had in your hand and showed to Mr. Gable?—A. I think I said less than \$150.

LEWIS M. BRIGGS, a witness called by the respondent, sworn and examined.

By Mr. EVEREST:

Question. Where do you reside?—Answer. In Atchison County, at Muscotah.

Q. How long have you resided there?—A. About ten years.

Q. Are you acquainted with John M. Price?—A. I am.

Q. Were you a member of the legislature last winter?—A. I was.

Q. If so, state from what district.—A. The sixth district, Atchison County.

Q. And what was the district that Mr. Price represented?—A. The fourth, I think.

Q. State whom you preferred for United States Senator.—A. John J. Ingalls.

Q. Did you attend the Republican caucuses?—A. I did.

Q. How many caucuses were held by the Republicans?—A. I do not remember that.

Q. After the Republican caucus had adjourned without day, what caucuses did you then attend; what were they called?—A. Ingalls caucuses.

Q. They were composed of the friends of Mr. Ingalls?—A. Yes, sir.

Q. State if you saw Mr. Price there during the sessions of the so-called Ingalls caucus.—A. Mr. Price was the chairman.

Q. Chairman of the meeting?—A. Chairman of the meeting.

Q. At every session of the Ingalls caucus?—A. At every session of the Ingalls caucus.

Q. How soon after the assembling of the legislature was it that the first so called Ingalls caucus was convened or held?—A. I do not remember exactly, but it was a very few days till we had the first meeting.

Q. Did you also have meetings and consultations among the friends of Mr. Ingalls outside of the caucus?—A. We did.

Q. Did Mr. Price also attend them?—A. He did. I saw him there several times.

Q. Were you present at the meeting addressed by Senator Ingalls at Union Hall?—A. I was.

Q. Who presided at that meeting do you recollect?—A. I think it was John M. Price.

Q. Were you in or about the Tefft House the night before the final ballot for United States Senator?—A. I was.

Q. Were you there between the hours of one and three o'clock?—A. I was.

Q. Were you down in the office of the Tefft House frequently during that night?—A. I think I was. There was such a jam down there that it was pretty hard getting along.

Q. Were you down there after the adjournment of the so called Horton caucus?—A. I was through there once or twice.

Q. Will you state whether there were many or few in the office when you were there after the adjournment of the Horton caucus?—A. There were a great many; the house was full.

Q. Was it not also so out on the sidewalk?—A. It was so on the sidewalk and up through the halls.

Q. You were frequently in and about the rooms occupied by Mr. Ingalls during that Senatorial contest, were you not?—A. I was.

Q. Was Mr. Price in there frequently?—A. He was.

Q. Was he not regarded all the time by the friends of Mr. Ingalls as a strong supporter of his?—A. He was regarded as an Ingalls man.

Q. Do you not know that he was elected upon that issue?—A. There were some resolutions he was elected under, I believe, and accepted. I was not at the convention that nominated him.

Q. Do you know Luther Dickerson, who was sworn here to-day?—A. I do.

Q. Do you know his feelings towards Mr. Ingalls?—A. They did not appear to be very friendly.

Q. Was he an opponent of yours for the legislature?—A. He was.

Q. That is, in the Republican caucus or convention in that district?—A. Yes, sir.

Q. Was he defeated by you?—A. He was.

Q. Did he not have a great deal of personal bitterness against Senator Ingalls?—A. It appeared to me as though he did have.

Q. And holds it now?—A. I think so.

Q. Denouncing him on various occasions?—A. That is my understand-

ing. I have not seen him or heard him say anything myself since the legislature adjourned.

Cross-examined by Mr. WEBB:

Q. Do you say that you heard Luther Dickerson denounce Senator Ingalls?—A. I did not say so. I said I understood he was very unfriendly to him and did denounce him.

Q. That is mere hearsay?—A. It is hearsay.

Q. How long have you known Mr. Dickerson?—A. I think four or five years. It may be five or six.

Q. Is he not a man who speaks out plainly his sentiments?—A. Yes, he speaks out exceedingly plain.

Q. You say that you defeated Mr. Dickerson at the election?—A. No, at the nomination.

Q. He was not a candidate for the office of representative at the general election in November, was he?—A. No; he was before the convention.

Q. You yourself attended the caucus at which you were nominated, did you not?—A. I did.

Q. Mr. Dickerson also attended it?—A. He did.

Q. Did not John James Ingalls also personally attend it?—A. He was there, and Mr. Pomeroy was there.

Q. I only ask you about Mr. Ingalls. I suppose there were a hundred persons there?—A. No, not so many.

Q. It is a fact that Mr. John James Ingalls attended the caucus that nominated you for representative?—A. He was there.

Q. You were the Ingalls candidate and Dickerson was the anti-Ingalls candidate for the nomination, was it not so?—A. I was in the interest of Mr. Ingalls. I do not know what Mr. Dickerson was in.

Q. Do you not know that Mr. Ingalls took an active part to secure your nomination and opposed with a good deal of earnestness the nomination of Mr. Dickerson?—A. I do not. I could not say where he put his work in there.

Q. You speak of Judge Price; how long have you known him?—A. Six or eight years.

Q. Do you not know, then, as a matter of fact, that from a political standpoint Judge Price and Mr. Ingalls have been opponents for years?—A. No; I know they have in some cases; in some they have not; I know more about it from what Mr. Price told me himself than I do from anything else.

Q. Do you know a man in the city of Atchison by the name of Kipper?—A. I do.

Q. What is his business?—A. He is a leather merchant.

Q. Do you not know that on the morning after Mr. Horton was nominated for Senator in what was called the anti-Ingalls caucus, John M. Price telegraphed to Kipper that his (Price's) vote would change the result, and asked what he ought to do?—A. I do not; I never heard of it.

Q. Do you not know that Judge Price received a dispatch from somebody in Atchison, whether Kipper did or not?—A. I understood he received some dispatches that morning of the election; I did not see them; did not know from whom they were.

Q. Did you understand or know that he received a dispatch that Atchison wanted Horton?—A. No; I do not; I did not hear it; I heard one to the contrary.

CHARLES J. BROWN, a witness called by the respondent, sworn and examined.

By Mr. MARTIN:

Question. State to the committee where you reside.—Answer. I reside in Beloit, Mitchell County, in this State.

Q. Were you a member of the house of representatives of the Kansas legislature in the year 1879 at the last Senatorial election?—A. I was.

Q. From what county and district?—A. From Mitchell County, the 11th district.

Q. Were you present at the election, and did you vote in the legislature for United States Senator?—A. I did.

Q. For whom did you vote?—A. First, last, and all the time for John Ingalls.

Q. Were you acquainted with Mr. Walter S. Wait, of the county of Lincoln, at that time?—A. I was.

Q. Had you seen him at any time prior to the meeting of the legislature in January, 1879?—A. Not unless it was in Topeka.

Q. Did you, after your arrival at Topeka, frequently meet and have conversations with Mr. Wait?—A. We boarded at the same house, and I met him every day, and two or three times a day.

Q. Now, state whether during that time and prior to the Senatorial election you had frequent conversations with him in respect to his choice for the office of United States Senator.—A. I did have.

Q. About when was it, as well as you now remember, when you first conversed with him on the subject of his choice for United States Senator?—A. I could not remember that, but I expect I tackled him about as quick as I got here.

Q. What time did you arrive here?—A. It was the day of the inauguration of State officers; I do not remember the date.

Q. The early part of January?—A. Yes, sir.

Q. The 11th, was it not?—A. I believe it was.

Q. State if in those conversations with Mr. Wait in respect to the election of United States Senator, you gathered from him the choice of the people of the county of Lincoln, which Mr. Wait represented.—A. I think Mr. Waite expressed himself to me on one or two occasions that the expressed wish, as far as he knew, of his people was probably in favor of Mr. Ingalls. I think that was about the way he put it.

Q. What, if anything, did he say in respect to his individual choice?—A. I do not think he ever expressed himself to me as to his individual choice, unless it was in carrying out the wishes of his people.

Q. Now you may state whether in any of the conversations that you had with Mr. Wait prior to the final ballot for United States Senator he made you any pledge, promise, or statement as to the person for whom he intended to vote for United States Senator.—A. On Thursday evening, prior to the election on Friday, just after supper, I think it was, we assembled in the parlor of our boarding-house, as we generally did, before scattering out to the caucuses. Mr. Wait called me into his room, which was adjoining the parlor, and said to me, "General Bull and myself have made up our minds to vote for Mr. Ingalls." I told him that I was very glad to hear that. He said, "I want you to go to Mr. Anderson, H. T. Anderson, of Ellsworth. We want to get the land office removed from Salina to Ellsworth." Mr. Wait does not like the Salina people any way; he did not explain to me why he wished it removed, and it was the only time he or anybody else said anything to me about

it. He said, "Tell Anderson to go to Ingalls and do the best he may or can; that I shall not be up to-night, I do not feel very well." I told him that I would do it.

Q. Go on.—A. That was about all the conversation that I had with him with regard to the Senatorial election until the next morning, and there was so much excitement the next morning after the nomination of Horton by the anti-Ingalls caucus, that if there was anything said between us it was merely in a sparring way and of no moment.

Q. Who is the General Bull that you mentioned in your testimony a moment ago in connection with Wait?—A. The representative from Osborne County.

Q. After this conversation between yourself and Wait in respect to his wishes as to the Salina land-office, state whether you communicated the subject of that conversation to Senator Ingalls at any time.—A. No, sir; I never said anything to Senator Ingalls about the matter that I remember, unless it may have been since the investigation was ordered; but I went to Mr. Anderson, as Mr. Wait desired, and delivered to Mr. Anderson the message, and Mr. Anderson said to me, as nearly as I can remember his words, "I would not say anything to Ingalls about it now; if we succeed in electing Ingalls, he certainly cannot disregard the wishes of his friends"; and I told him I thought that was a pretty sensible view of it, or something to that effect. I do not think I ever mentioned the circumstance to Mr. Ingalls, unless it may have been in conversation since the investigation was ordered.

Q. Nor did Mr. Anderson, to your knowledge?—A. No, sir.

Q. But declined to do so?—A. He said he would not do so until after the election.

Q. You may state whether you communicated to Senator Ingalls the fact that Wait and Bull intended voting for him on Friday.—A. Yes, sir. I saw Mr. Ingalls; in fact, I went to Mr. Ingalls immediately, and then saw Anderson afterwards. I told Mr. Ingalls that Mr. Bull and Mr. Wait had concluded to vote for him to-morrow, and, being acquainted with both gentlemen, I felt perfectly satisfied that they were going to do so; and I vouched for Mr. Wait in our private caucus that night.

Q. As being an Ingalls man?—A. As being an Ingalls man for to-morrow's fight.

Q. That was on Thursday evening, as I understand, you say this conversation between you and Mr. Wait occurred?—A. It was on Thursday evening.

Q. Now state if you have any knowledge of General Bull calling to see Senator Ingalls on Thursday night.—A. I was in the Tefft House, I think, when General Bull called, and I learned that he was with Senator Ingalls, and had gone in to pledge himself to Senator Ingalls, but I was not present, and I have no idea who it was told me. There was a good deal of excitement and commotion about that time.

Q. You learned that he had gone to see Senator Ingalls, and had gone to Senator Ingalls's room?—A. Into Senator Ingalls's room.

Q. State if you remember calling to see Mr. Wait one evening prior to the election, in company with Senator Ingalls.—A. I do, very distinctly.

Q. Do you remember what evening that was?—No, sir, I do not; it was not very long previous.

Q. Was it prior to Thursday night?—A. It was prior to Thursday night.

Q. Do you know how the interview was brought about? If so, state

it.—A. Yes, sir; I brought the interview about myself, if I remember correctly.

Q. Do you know how it occurred, and why it was that Senator Ingalls, in company with you, called to see Wait?—A. I went and saw Mr. Wait myself, and desired that he should see Senator Ingalls and talk with him. Mr. Wait felt that he could not support Senator Ingalls, even though his people wished it, knowing what he did of the charges that were made against him, particularly through the *Kansas City Times*. I desired that he should have a talk with him. Finally, Mr. Wait consented one evening, I am not certain whether it was on Wednesday evening, but think perhaps it was; it might have been on Tuesday, and then I saw Senator Ingalls and he said he would go down. We got a carriage and went down.

Q. Is it not true that the reason Wait did not call on Senator Ingalls was that he himself was in bad health at the time?—A. Yes, sir; Mr. Wait was in poor health and it was quite damp weather and he did not like to go out. Right here I would say that I went from the Tefft House, from Ingalls's room, to our boarding place, about three blocks west, to see Mr. Wait, and see if he would consent to have Mr. Ingalls call on him that evening, and he said that though he was not feeling well, he would do so. Then I went back and we got a carriage and went down and saw Mr. Wait.

Q. State now whether you were present at that interview between Senator Ingalls and Mr. Wait.—A. No, sir; I took Mr. Ingalls into Mr. Wait's room and gave him an introduction, and then almost immediately afterwards, or very soon afterwards, I stepped out into the parlor adjoining.

Q. Did Mr. Wait afterwards communicate to you the subject of the conversation between Senator Ingalls and himself, and, if so, state what it was?—A. I do not think he did, except in a general way. I could infer that it was a general conversation on the Senatorial question, or rather with regard to the charges of corruption and misdemeanor in office that had been brought against him.

Q. When was it that you first learned or heard that Mr. Wait intended voting for Judge Horton for United States Senator?—A. It was in the morning not very long after three o'clock.

Q. What morning?—A. Friday morning. I had lain down on the bed for a few moments trying to get a little sleep. I left the Tefft House in the neighborhood of three o'clock and had hardly laid down on the bed when Boggs, of Rooks County, burst into the room and said, "Horton is nominated and hell is to pay, turn out," &c. I do not know all that he did say, but he was very much excited. I jumped up and we went up town. I went and saw General Bull immediately.

Q. What do you mean by "we"?—A. Boggs and myself. We saw General Bull. We found that there had been others to see him before we had, and that as some term it he had "flopped"; we could do nothing with him.

Q. Did you see Mr. Wait?—A. I think not that night. Mr. Wait's health was very bad and I did not like to disturb him. I do not think I saw him that night, but I am not positive as to that.

Q. On Friday morning, the day of the election, did you call on General Bull, in company with any person other than Boggs; in other words, do you remember being in company with General Bull and Mr. Peck on Friday morning?—A. Yes, sir; I should judge it was somewhere between nine and ten o'clock Friday morning, the day of the election. I went from the Tefft House myself to Mr. Bull's room to call on General

Bull. I there found Mr. George R. Peck with General Bull. I went in and we both labored with him the best we knew how for probably an hour and a half. I went back to the Tefft House and remained there then until I went to the capitol.

Q. You were present during the conversation, or a portion of it at all events, between Mr. Peck and General Bull?—A. Yes, sir; I was there the greater part of the time. Mr. Peck left there very soon after I did, but he was standing on the landing of the stairs when I went out of the house.

Q. Who was?—A. Mr. Peck and Mr. Bull were both there when I left.

Q. Do you remember whether on that occasion Mr. Peck reminded General Bull of the fact of his previous pledge to vote for Senator Ingalls?—A. He did, and appealed to him very strongly on the strength of it.

Cross-examined by Mr. WEBB:

Q. You say that in conversation at one time with Mr. Wait he said to you in regard to the views of his constituents that the expressed opinion, so far as he knew anything about it, was in favor of Ingalls?—A. Something to that effect. I would not undertake to repeat his words.

Q. Did he tell you that he understood what the general sentiment of the whole people of his district was?—A. I do not think he ever did.

Q. It was only the few he had heard express an opinion?—A. Something to that effect.

Q. Did you understand from him that his first choice was George T. Anthony?—A. I do not remember whether he ever expressed himself to me in that way except by his voting.

Q. He voted for Anthony?—A. Yes, sir.

Q. Where did you board or room that winter?—A. At Mrs. Rankin's.

Q. The same place where Wait boarded?—A. Yes, sir.

Q. The same place where Mr. Anderson boarded?—A. Yes, sir.

Q. General Bull also boarded there?—A. Yes, sir.

Q. With whom did you room?—A. I roomed alone.

Q. Was the call made by Senator Ingalls upon Mr. Wait, at Mr. Wait's solicitation?—A. It was not.

Q. Was it not really by your procurement?—A. Yes, sir.

Q. You did not hear anything that was said between them after the introduction?—A. I heard but very little that was said, almost nothing.

Q. Did you hear Senator Ingalls's speech in Union Hall at the time reference was made by him to what were known as the Gay letters?—A. Yes, sir.

Q. Can you state the date of that meeting?—A. I am not certain whether that was on Tuesday or Wednesday night.

Q. Was the interview between Senator Ingalls and Mr. Wait before that meeting was held, or afterwards?—A. I am not certain about that, or whether it was on the same night.

Q. If it was on the same night it was before the meeting was held, was it not?—A. Yes, sir; it must have been before the meeting if it was held on the same night.

Q. Now, as a matter of fact, according to your best recollection and judgment from circumstances, was not that meeting in Union Hall held after the time when Senator Ingalls made his call on Mr. Wait?—A. I have answered that question once before. I tell you that I do not know.

Q. I know you said that.—A. Well, Mr. Webb, I generally say about what I mean.

Q. I do not question that. But if you recall the events, the caucuses, the conventions, and the meetings, do you not reason it out to yourself that it must have been before that? That is what I ask.—A. No, sir. When I heard Mr. Wait's testimony here on the stand, I was trying to form some opinion on that point, but I could not do so.

Q. He did not seem to be clear about it, either. My attention was diverted from your testimony just at a time I wanted to listen to it, and I therefore have to ask you about your being called up that morning, the morning that Horton was nominated; who called you up?—A. Boggs, of Rooks County.

Q. A member of the legislature?—A. Yes, sir.

Q. Was any one with him?—A. I do not think there was, but there might have been.

Q. What was the first thing he said to you?—A. I was asleep at the time, but about the first thing I remember his saying to me was, "Horton is nominated and hell is to pay," or "the devil is to pay," or something of that kind.

Q. You got up?—A. I jumped up as quick as I could.

Q. Where did you go?—A. We went from there immediately to General Bull's room.

Q. Who was it notified General Bull that Judge Horton had been nominated?—A. I have no idea in the world.

Q. Did Bull express any opinion then?—A. Opinion as to what?

Q. Did he say anything, and, if so, what did he say?—A. Well, sir, I suppose you want to know who it was that informed him that Horton was nominated?

Q. No, I do not care now anything about that. I want to know what Bull said about his choice for Senator at that particular time?—A. He said he was going to vote for Horton.

Q. And you and the gentleman who was with you tried to get him to vote for Ingalls?—A. We did.

Q. You did not succeed?—A. No, we did not.

Q. Did you call upon Wait?—A. I do not think we called upon Mr. Wait that night.

Q. Did you go to the Tefft House before daylight?—A. Yes, sir.

Q. Where did you go in the Tefft House?—A. Probably first to the office, and then to Mr. Ingalls's room.

Q. How long did you stay in Mr. Ingalls's room?—A. I could not tell you. We had a consultation there among Mr. Ingalls's friends, and laid out work for different ones to perform as hurriedly as possible, and then we got out and went to work.

Q. Who all were there of Mr. Ingalls's friends that morning at the time the work was laid out?—A. They were nearly all there.

Q. Name them.—A. I cannot do it with certainty.

Q. Name such as occur to you.—A. Mr. Hallowell was there; also Mr. Merritt, and I think Mr. Peck.

Q. George R. Peck?—A. Yes, sir. It is useless for me to undertake to name them, because I might name persons who were not there.

Q. Was Mr. J. C. Wilson there?—A. I think he was. I think nearly all of Mr. Ingalls's friends were there; if they were not there they ought to have been at that time.

Q. Was Mr. Danford there?—A. I did not know Mr. Danford, and never saw Mr. Danford to my knowledge until the day before yesterday.

Q. Was Mr. Hood there?—A. I never saw Mr. Hood to my knowledge until I saw him in this chair.

Q Was Mr. David Auld there?—**A.** I never saw Mr. David Auld to my knowledge until last night. It is probable I may have seen them all. I have understood they were friends of Mr. Ingalls, and were there during the canvass; but I never met them and never saw them to my knowledge.

Q. You say Senator Hallowell was there?—**A.** Yes, sir.

Q. Was Senator Ping there?—**A.** I would not say positively that he was, but I think probably he was.

Q. Do you know a man by the name of Foulkes?—**A.** No, sir; I never saw the man to my knowledge. I may know him by sight, but I do not know him by name.

Q. You said something about a land office, in regard to which Mr. Wait told you to tell something to Mr. Anderson?—**A.** Yes, sir.

Q. First what did Mr. Wait tell you to state to Anderson?—**A.** Mr. Wait told me to go and see Anderson. I cannot repeat his words exactly, but it was very nearly in this style: "Go and see Anderson; tell Anderson I want to get the land office removed from Salina to Ellsworth"—I think Ellsworth was the place—and he said, "Tell Anderson to do the best he can with Ingalls; that I am going to vote for Ingalls."

Q. When did that conversation take place?—**A.** That conversation took place on Thursday evening immediately after supper, when we had all gathered in the parlor after supper just before I went up town—the parlor of Mrs. Rankin's boarding-house.

Q. That was on Thursday evening before the final ballot?—**A.** That was on Thursday evening before the final ballot.

Q. Did you see Mr. Wait next morning after Mr. Horton was nominated?—**A.** I saw Mr. Wait after Horton was nominated, but I do not know that I had any conversation with him direct. We had a few words back and forth.

Q. At the time of this statement made by Mr. Wait to you, which was Thursday evening after supper, was it not understood there, and especially understood by Wait, that at the anti-Ingalls caucus to be held that night Phillips would be nominated; that is, Wait thought Phillips would be nominated?—**A.** I do not know. Mr. Wait never expressed himself so to me.

Q. Did you not understand from Mr. Wait that as between Phillips and Ingalls he preferred Ingalls?—**A.** Yes, sir; he expressed himself so to me several times previous.

Q. Then if he was under the impression that the anti-Ingalls caucus would result in the nomination of Phillips, you expected him of course to be for Ingalls from what he had said to you?—**A.** I had expected him to be under any circumstances.

Q. You would under those circumstances especially?—**A.** Most certainly; but Mr. Wait never mentioned Mr. Phillips's name to me that night; he had previously to that.

Q. And always opposed to Phillips?—**A.** I will say right here, as a further answer to that question, that I do not think there was any man in the fight whose judgment in politics was worth a great deal that thought Mr. Phillips would be the nominee of that caucus; there were very few who had him for second choice.

Q. From a question put by Mr. Everest to Mr. Wait, he might have entertained that opinion, however?—**A.** Certainly. There were men who hoped Mr. Phillips would be the choice of that caucus, but parties standing outside, who were unprejudiced, could easily see that Mr. Phillips could never be the choice of that caucus. He was the second

choice of very few. He, like Mr. Anthony, polled his full strength at first, and could draw nothing.

Mr. WEBB. I am not asking your opinion in regard to the strength of men.

The committee took a recess until eight o'clock p. m., and resumed its session at that hour.

HENRY T. ANDERSON, a witness called by the respondent, sworn and examined.

By Mr. WILLIAMS:

Question. Where do you reside?—Answer. In Ellsworth County.

Q. Were you a member of the Kansas legislature last winter?—A. Yes, sir.

Q. Were you acquainted with W. S. Wait, of Lincoln County?—A. Yes, sir.

Q. Did you room with him during the session of the legislature?—A. Not the whole session.

Q. Part of the time?—A. Yes, sir.

Q. Did you hear his testimony of to-day?—A. Yes, sir.

Q. In regard to transactions in which you took a part?—A. Yes, sir.

Q. Proceed to state, in your own way, to the committee your version of the transactions.—A. My first acquaintance with Mr. Wait was in Ellsworth City, about a week before the meeting of the legislature. I met him at the office of the Reporter.

Q. A newspaper?—A. Yes, sir; the Ellsworth Reporter; and in conversation there I asked him whom he would support for Senator. He said that he would support John J. Ingalls, as he was the preference of his county. We then made arrangements to board together when we came down here, and I told him to engage a room for me at Mrs. Rankin's, where he proposed to board, and we would room together; which we did. We had a room together until the election for Senator took place. Mr. Wait, after he first came here, had said that he would vote for Mr. Ingalls at first anyhow, but afterwards voted, when the election took place, for Mr. Anthony, for three days. I felt friendly towards him, and spoke to him with regard to his voting for Mr. Anthony, and he said that he did not see how his people could object to Mr. Anthony, and he could not vote for Ingalls the way the fight was made at that time, but if the majority of the Republicans in the legislature should vote for Mr. Ingalls he would vote for him too. As we were gaining, I did not wish to antagonize with him. I did not have any quarrel with him on the subject; we just conversed on the matter quietly and friendly; but after the third ballot was taken, he told me that he would vote next day for Mr. Ingalls, and told me I could tell Mr. Ingalls so. I did so, and that evening Mr. Brown told me at the Tefft House —

Q. What Brown was this?—A. Mr. Brown of Mitchell. He told me at the Tefft House that Mr. Wait had sent me word to do the best I could with Ingalls with regard to pledges as to the removal of the land office at Salina; that he should vote for him; I could guarantee his vote. I told Brown I should not say anything to Mr. Ingalls with regard to that then; "but," said I, "if we both vote for him he cannot disregard our claims"—I believe that was the language—"he could not disregard our claims if we should urge the matter afterwards, and show him it was the best interest of the district." When Mr. Horton was nominated the word came from the State-house; I was in Mr. Ingalls's room; some ten or twelve of us were in the room at the time, waiting

to see who would be nominated. We were discussing the point with regard to those that had not gone into the caucus, and making up visiting committees to see them. When Mr. Wait's and Mr. Bull's names were called, I told them I would go down and see them. I went down to the boarding-house and saw Mr. Bull. There is no use in going into the conversation with him.

Q. No; I want to hear about Wait?—A. After seeing Bull, I went down to see Wait. Nobody had been there from the opposite side, or our side either, before I went down. I saw Mr. Wait and told him how it stood.

Q. Wait had not gone into the caucus?—A. No; he was in bed. He staid at home that night. I talked with him on the subject. He seemed to be just as solid as he was the evening before; Mr. Ingalls was still his choice. I told him by all means to stand by Ingalls and not to make any pledges to the opposition, because there would be a visiting committee; I learned that they would go around to spur up the men outside and bring them over to Horton if they could.

Q. A visiting committee from the anti-Ingalls caucus you mean?—A. Yes, sir. I went back then to the Tefft House and staid there, took breakfast there. About eight o'clock Mr. Brown, of Mitchell County, came there and told me that Mr. Wait had gone back on Mr. Ingalls; I do not know whether I use the exact term or not. At any rate, I said, "If he has, the son of a bitch has sold out." Well, I went down then to see Mr. Wait, went into the sitting-room, which adjoined our bedroom. He was present there, and General Bull and one or two others in the sitting-room. I called him into the bedroom, had a conversation with him, and in the conversation I wanted to know how he could possibly go back on the pledges he had made to people. I told him the people would be satisfied he had sold out, and, furthermore, that he had no reason—said I, "You have no more reason now to go back on Mr. Ingalls than you had last night when you pledged yourself to support him," and asked him, insisted on knowing, why he would go back on him; asked him to give me some reason for it. "O," said he, "Ingalls is corrupt." Said I, "Did he try to corrupt you?" "No." "Has anybody offered you any money to vote for him?" "No." "How do you know he is corrupt?" "Well, they all say so." Said I, "Who is all?" Said he, "Pretty near everybody." Said I, "I think we have got a majority on Ingalls's side, so it cannot be everybody or all." I told him that if he voted against Mr. Ingalls I should make his people believe anyhow, whether I could prove it or not, we lived in adjoining counties, and I would make them believe he had sold out, and I referred to a fight that I had made against Mr. Long, of our county, in regard to going back on pledges, and I had run against Mr. Long in the canvass before. Mr. Long was the nominee of the Republican convention. I had made a fight against him because he had gone back on his pledges to the people, and said I, "You know whether the people believed it or not, and I can make just the same kind of fight against you, and I have a good deal stronger point, because you pledged yourself for Mr. Ingalls to your people." He did not know about that, he said, if his people knew all that he knew. Said I, "They do know all you do. The paper is all you have to go by, the Kansas City Times. You have no reason at all to go back on us." He denied that his people could judge as well as he could. It made me a little mad, and I told him that he had sold out, and I thought if I searched I could find the money in his breeches. Well, he said he had not, and said the Horton party was not using any money. Said I, "Is that so?" Said he, "Yes."

Well, now, wait a minute, and I will go back. After Horton was nominated a party approached me and told me that I could make some money out of this fight. I wanted to know how there was any money to be made. "Well," said he, "You can get a pretty good price for your vote." Said I, "I don't know about it; it would take a good deal to get my vote now the way I feel about this matter." "Well," said he, "You can get money." "O," said I, "I will not talk about it now." I went off and left him. This thing occurred to me when I was speaking to Mr. Wait. Said he, "The Horton party are not using any money." "Well," said I, "I know they are; I have been offered money for my vote." Said he, "How much?" Well, I told him I supposed they would give a thousand. Well, he said, he had not had any offers of money from either side. Said I, "I tell you, Mr. Wait, if you can prove to me that Mr. Ingalls is using any money—prove it outside of this common talk—I will vote for Mr. Horton." Said I, "Will you do the same if I prove it to you?" Well, he said he would.

Q. If you would prove what to him?—A. That Horton was using money. He was saying that Mr. Horton was one of the simon-pure incorruptible gentlemen of the age, who would not do such work, would not indulge in such practices. Well, I told him to go up to the Tefft House. I went right back and hunted this man up. I told him to go to the Tefft House. He said he would be up there. He did not go with me. I believe I told him I would go down there. After he said he was coming up to the Tefft House, I told him "all right, come up there and I will prove it to you." I hunted up this man and he gave me \$500 with a promise of \$200 more in case I voted for Horton. I told him I would not promise to vote for Horton, but I would return the money if I did not, the \$500, and he was to give me \$200 more in case I did vote for him. I was kind of on the fence and made him believe I wanted to be for the winning man, and if I saw there were any developments made I would "peach" what he said. It was in Colonel Phillips' room that I got the money.

Q. This \$500 you got was in money?—A. Yes, sir.

By Senator BAILEY:

Q. Do you mean you got it or that the other man said he got it?—A. I got it myself.

By Mr. WILLIAMS:

Q. Who gave it to you?—A. H. D. Baker, of Salina.

Q. Sheriff of Saline County?—A. Yes, sir.

Q. What shape was it in?—A. There were two one-hundred-dollar bills and the rest twenties, tens, and fives.

Q. Was it wrapped up in any way?—A. There was a wrapper round it.

Q. With any marks on it?—A. Yes, sir; a "\$500" mark.

Q. Like a bank tag?—A. Yes, sir.

Q. Go on and tell what you did with it?—A. This was in Mr. Phillips' room.

Q. William A. Phillips?—A. Yes, sir. As a matter of course nobody was present but Mr. Baker and myself in the room. I will state how he gave it to me. He threw it on the bed and turned his back, and said he "Whatever you find on the bed is all right." He did not hand it to me personally.

Q. But that is what you did find on the bed?—A. Yes; I found this package on the bed. I went upstairs then and was looking around for Mr. Wait. I did not see him up there. I turned around and just at

the head of the steps—there is another pair of steps that lead off to the left, and he was standing there in the alcove.

Q. (Exhibiting diagram of the Tofft House). Here is the second floor, and here the third floor (indicating). Now state to begin with where was Phillips's room that you speak of.—A. Phillips's room was over the dining-room, right in this alcove (indicating). I was standing talking with Tom Cavanaugh and others. Tom wanted to make a bet on the election. Said I, "Tom I bet \$25 that I will vote for the winning man." He said he would take the bet, and then he reconsidered and said he would not bet over five. He put the money in Mr. Smith's hands. Just as soon as he did that, Mr. Wait came out of Mr. Anthony's room and I met him, and we went up these steps (indicating) and came down to the end of that room here (indicating) and stopped there. I took the package out and showed it to him and told him I had gotten it from the Horton party. He wanted to know which one. I did not tell him the man's name; told him I did not want to do that, but it was money that came from the Horton party. We talked over the matter a little while. At last said he, "That is pretty thin; I don't know whether that is Ingalls money or Horton money." "Well," said I, "It is Horton money, you don't want to say to the contrary." I told him he did not want to say to the contrary. We talked over the matter awhile and he said that he did not know about that; he did not think it was good enough proof. Said I, "You have got my word for it, and you can take it or not; I would not be very liable to go and get a package of money to prove to you that Horton was using money, and play such a game as this on you at this point." I cursed him and talked to him kind of rough. I was mad the way the thing was. He finally said, "Now look here, don't say anything about this; I may vote for Ingalls yet." So I told him I would not. I went then up to the State-house. This was very near the time for the election to take place. When I got to the State-house I wanted to speak to General Bull. I went across the hall where he was, and told him I was satisfied Ingalls was going to win. By the way, in speaking to General Bull the night before, I had mentioned the fact that he was very much interested about a friend of his getting an appointment as land officer. I told him we would do what we could for him. Said I, "I will use my influence if you will stand by Ingalls now; I am satisfied he is going to win; I am going to vote for him, and it is the best thing you can do." Well, he did not say anything; said he must ask Dr. Hodge. He rose up. Dr. Hodge was still sitting. I kind of whispered it to him. I knew Dr. Hodge was very much opposed to Mr. Ingalls and I did not care about his hearing what I said. I went back over to our seat. There were two ladies at our seat; the room was very much crowded, and Wait and I stood up to the left of the seat in the aisle. While we were standing there, when the senate came in, some one—I do not know who it is—said, "Who is first on the Senatorial list?" I said, "Benedict," and said I, "Wright is last." Mr. Legate was sitting just in front of me, or Charley Miller was sitting next to me and Jim Legate on the right of him, and I reached over and slapped Legate on the back and said, "Jim, we have got you from alpha to omega, and will rattle you all the way through." He rose up and said he, "You can't play any cold deck on this house." Said I, "We don't need a cold deck to beat you fellows; we can beat you and play on top of the table." Said I, "By the way, what do you mean by cold decks?" "You have one right there in your pocket, and I know it," said he. I said, "You are speaking in riddles now, Jim." That convinced me that Jim knew I had this money.

I believe Mr. Wait testified in his evidence that I told him he had better have voted for Ingalls, and said I, "It would have been a damned sight better for you to vote for Ingalls," and told him he would rue it for not voting for Ingalls.

After the adjournment—the election was over—I studied over this thing that Legate had said, and I concluded that if he knew I had this money he ought to know that I returned it. I did not know they made actions all around in the ring, and everybody knew who bought a vote. I supposed all I would have to do would be to return it to Baker, but I studied over this matter about Jim. I was satisfied he knew I had the money. So I went down and I met Baker and told him, "You go and get Jim Legate; I am not going to give this up till Jim comes; he knows I have got it, and he has got to know that I return it." He went to see Legate and Legate said he did not intend to have anything to do with that; he did not know anything. I went to see him myself and he denied knowing anything. Said I, "I know, Jim, you know something about it, or you would not have made such a remark as you did; I am satisfied you know it." He denied it. I insisted, and I told him if Mr. Legate and Mr. Purcell would come there—

Q. Who is Mr. Purcell?—A. Of Manhattan. Mr. Baker told me he had got the money from Mr. Purcell, of Manhattan.

Q. Is he a banker?—A. Treasurer of the Agricultural College.

Q. He was a supporter of Governor Anthony?—A. He supported Horton in the end. He supported John A. Anderson when he first came. Baker told me that he had gotten the money from him. In the first place he told me when I saw him, "I will give you a check." I told him I would as lief have the check as the money; it would suit my purpose just as well. He told me whose name would be signed to it. That is the way he came to tell me.

Q. Whose name did he say would be signed to it?—A. He said either Cy. Leland's or Purcell's.

Q. Who is Cy. Leland?—A. I believe I was introduced to him once in a crowd, but would not know him now if I saw him again. I refused to give it up without these parties were present. My idea was that if they knew that I had the money they ought to know that I returned it.

Q. Mr. Purcell never demanded the money from you, did he?—A. He sent me word that he would like to get it.

Q. He himself never made any demand?—A. He never approached me personally.

By Senator BAILEY:

Q. Did you give up the money?—A. No, sir; I would not give it up without these parties being present. After the fight was made on me by the Kansas City Times, before there were any charges brought in the house, I told them that whenever they would give me a receipt for it in the presence of two witnesses they could have the money, and I am ready to do that to-day, to give it to them whenever they give me a receipt for it.

By Mr. WILLIAMS:

Q. Were you a witness before the legislature investigating committee?—A. Yes, sir.

Q. Did you produce there a package and exhibit it to that committee?—A. I did.

Q. And you testified there as you have here to-day?—A. I did.

Q. Did you offer Mr. Wait any money to vote for Ingalls?—A. No, sir.

Q. Did you say, to him that the moment his vote was cast you would pass him an envelope containing any sum of money whatever?—A. No, sir.

Q. No such conversation took place?—A. No, sir.

Q. You say that Mr. Wait wanted you to speak to Mr. Ingalls about a land office up there, and you said you would not do it until after the vote was cast?—A. I did not tell him so. I told Mr. Brown so.

Q. Did you in fact ever approach Mr. Ingalls on that subject?—A. No, sir; I wrote to Mr. Ingalls once afterwards.

Q. I am speaking about before the election?—A. No, sir; I did not consider it right at that time.

Q. Did you at any other time or place offer W. S. Wait any money or valuable consideration of any kind whatever in consideration of his vote for Mr. Ingalls?—A. No, sir.

By Senator BAILEY:

Q. Where is that money to-day?—A. I have used it.

By Mr. WILLIAMS:

Q. One additional question. For whom were the people of your district for United States Senator?—A. I made the fight in favor of Mr. Ingalls.

Q. You were elected on that issue?—A. Yes, sir; I announced myself in the papers as being in his favor. My opponent was in favor of Governor Anthony.

Cross-examined by Mr. WEBB:

Q. Where were you on Thursday night, the night of the anti-Ingalls caucus?—A. I was all around town.

Q. What were you doing? Whereabouts were you that night?—A. I was part of the time at the Tefft. I was part of the time on the street, and, if you insist on knowing it, which I suppose you want to know, I was bucking a faro bank.

Q. In a gambling room?—A. Yes, sir; I supposed that was the point you wished to know.

Q. Are you not a professional gambler?—A. No, sir.

Q. Do you not gamble a great deal?—A. When I get away from home I do sometimes.

Q. You were away from home here last winter, were you not?—A. Yes, sir.

Q. The fact is you visited the gambling-rooms, and gambled a good deal last winter; is it not so?—A. I did some, about as much as the majority of the members did.

Q. Did you meet all the members of the legislature in gambling-rooms?—A. No; I never saw my friend Mr. Riggs there.

Q. Did you ever see Mr. Walter S. Wait there?—A. O, no.

Q. You say that after that caucus which nominated Mr. Horton had completed its labors you went to your boarding-house and had a conversation with Mr. Wait?—A. Yes, sir.

Q. What time in the morning was that?—A. About three o'clock as near as I can judge.

Q. You said something about a visiting committee. Repeat what that was.—A. I give you the substance. I am a poor hand to repeat. I told him by no means to pledge himself to that visiting committee, because I knew there would be one around.

Q. What visiting committee was it that you understood would visit him?—A. We were informed that the proposition was to turn out and

dissolve that caucus and visit all the men, all the members who had not attended.

Q. The Horton caucus then was to be divided up into visiting committees?—A. That was our understanding.

Q. And you expected one of those visiting committees in favor of Horton's election to call upon Wait?—A. Yes, sir.

Q. And you went to him immediately and told him that you expected such a committee would visit him and by all means not to commit himself?—A. Yes, sir.

Q. If you had understood all the time that he was actually committed to Ingalls, why did you go immediately on Horton's nomination and ask him not to commit himself to that visiting committee?—A. Because he had lied in the first place to his people and he voted for Anthony when he had pledged himself to vote for Ingalls, and I was afraid he would do the same thing again.

Q. Having lied once, you still had confidence in yourself that you could prevent him from lying again, had you?—A. Not by any means.

Q. Why did you take so much pains?—A. I meant to use what influence I could with him, because I knew others would come and use their influence with him on the other side.

Q. Had you any expectation you could influence him?—A. I did not know. I supposed he would listen to me as quickly as men he had not seen before.

Q. But you say he had lied to you before?—A. Not to me; to his people, I say. He had lied to me too.

Q. Well, about eight o'clock in the morning you said Mr. Brown told you that Wait had gone back on Ingalls?—A. Yes, sir.

Q. Now, sir, when you were there before daylight to see Wait, did he tell you then that he was going to support Ingalls?—A. Yes, sir.

Q. He did tell you so?—A. Yes, sir; he did, the same as the evening before.

Q. He assured you then that he would vote for Ingalls, after Horton was nominated?—A. Yes, sir.

Q. When Mr. Brown told you about eight o'clock in the morning that Wait had gone back on Ingalls, you said if he had, the son of a bitch had sold out?—A. Yes, sir.

Q. Did you understand that every man who changed his views in regard to the Senatorial question was selling out?—A. Not by any means; but then I judged it by what I had already known that there was money being used, and Mr. Wait had said at three o'clock that he would support Mr. Ingalls and had turned over between three and eight.

Q. Had you already known that money was being used?—A. Mr. Baker had offered me money.

Q. Had it been paid to you?—A. No, but it had been offered.

Q. When had Mr. Baker first offered you money?—A. It was after Horton's nomination.

Q. Do you say that after the Horton nomination in the morning and before you went to your boarding-house, Baker had offered you money or told you he would pay you money to support Horton?—A. Yes, sir.

Q. Did you not come down here a pronounced, emphatic Ingalls man?—A. I did.

Q. Had you not been training in the Ingalls camp all the time?—A. Yes, sir.

Q. Had you not spent the principal part of your time with Ingalls and his followers, which you had not spent in the gambling-room?—A. Yes, sir.

Q. So I thought.—A. I will qualify that—and attending to legislative duties.

Q. Well, where did you see Mr. Baker that morning after Horton was nominated?—A. I met him in the hall between the dining-room and the sitting-room, that is the front room.

Q. The hall of the Tefft House?—A. Yes, sir.

Q. Between the dining-room and the office-room?—A. Yes, sir.

Q. Who was with Mr. Baker?—A. There was quite a crowd around there.

Q. Name some one who was in company with Mr. Baker.—A. The crowd was so large that I do not remember. He came to me and took hold of me.

Q. Who was with you?—A. I was in the crowd; I do not remember, the house was so full.

Q. What did Baker say to you there at that time?—A. He said "Come with me; I want to see you." I went up with him into Mr. Phillips' room, which was a private bed-room. There are two rooms.

Q. Tell us what he did say there.—A. He made a proposition there. Said he "You can make some money out of this."

Q. Then he is the party that told you after Horton was nominated you could make some money out of it?—A. Yes, sir.

Q. Up to that time had you known of any money being used?—A. I had not.

Q. You did not get any money then?—A. From Mr. Baker? No, sir.

Q. How long had you known Mr. Baker?—A. I met him, I think, about five years before—the first time.

Q. Had you been intimate with him for the last few years?—A. Tolerably intimate.

Q. Had he been at work here all the time for any person for Senator?—A. Yes, sir.

Q. For whom?—A. Phillips.

Q. You say you voted for Ingalls?—A. Yes, sir.

Q. Why did he come to you that morning, when you had been for Ingalls all the time, and propose to you that you could make money by supporting Horton?—A. Well, he is one of those men who believe, as he always said, that every man had his price.

Q. He therefore believed that you had your price?—A. Yes, sir.

Q. He had a right to believe that, had he not?—A. You can judge for yourself on that point.

Q. What did you say to him when he told you that you could make money out of it?—A. Said he, "You can make some money out of it." I might have asked him, "how much." I think that was the way it was. Said he, "I do not know; a good deal." Said I, "It will take a damned sight to do any good with me now."

Q. Why did you say it would take a damned sight to do any good with you now?—A. Because I was strongly for Ingalls.

Q. You wanted him to oversize the pile you had got from Ingalls's friends?—A. Well, I do not think I did.

Q. Is not that the fact?—A. No, sir.

Q. How much money had you received from Ingalls's friends up to that time?—A. Well, to tell you the truth of the matter, I had not received an honest cent, and some of them were owing me a little.

Q. You had not received "an honest cent;" how many dishonest dollars had you received?—A. Not one. That was just the way I was expressing it, "honest cent."

Q. After your conversation with Mr. Brown, you say that you saw Wait and had a talk with him, did you?—A. Yes, sir.

Q. In which talk you told him that if he voted against Ingalls you would make his people believe that he had sold out, whether he had or not?—A. Whether I could prove it or not.

Q. Then you did tell Mr. Wait that if he voted against Ingalls you would make his (Wait's) people believe he had sold out, whether you had any proof of it or not?—A. Yes.

Q. You then assured him, putting it in other words than your own, that you intended to assert, whether you had any knowledge of the fact or not, that he had sold out, in order to do him an injury?—A. My belief was that he had sold out.

Q. But if you did not have any proof of it you were nevertheless going to assume it and assert it to his people?—A. I might believe a thing that I could not prove. I might be satisfied in my own mind, and if I could make anybody else believe with me I would do it.

Q. You were going to assert as and for a fact that which you did not know to be a fact, in order to do him injury?—A. If I believed it to be so I would.

Q. And as an evidence of your power you told him how you had served Long, your predecessor?—A. Yes, sir.

Q. In that same conversation you say that you asked him why he had gone back on Ingalls, and he told you Ingalls was corrupt. What did you say then?—A. I asked him if he had tried to corrupt him.

Q. What did he say?—A. He said he had not.

Q. Did he say anybody else had attempted to corrupt him?—A. No; he said he had not any offer at all.

Q. You were the first man, as far as you know, who offered him any money for his vote?—A. Excuse me for answering it that way if you please.

Q. Did you not offer him money to vote for Horton?—A. I did not.

Q. You say that you told him at the time you made this threat that you would make his people believe he had sold out; you did believe he had sold out, and that he had the money in his breeches?—A. Yes, sir.

Q. What reason had you to think that Mr. Wait had sold out?—A. Because I knew the other side were using money, and the gentleman had turned so quick.

Q. When did you hear that the other side were using money?—A. When Mr. Baker offered me money.

Q. That was at what hour in the morning?—A. After three o'clock.

Q. Mr. Wait's health was not good?—A. No, sir.

Q. He had not been to the Horton caucus?—A. No, sir.

Q. He did not know Horton was nominated until you went and told him?—A. No, sir.

Q. And at eight o'clock you thought he had sold out?—A. Yes, sir.

Q. Do you know whether he had seen anybody from the Horton caucus or any Horton men at all up to that time?—A. I did not know it. I inferred it.

Q. Why did you infer it?—A. Because they went around to see every one; said they were going to see all the rest.

Q. Did he not tell you that nobody had been to see him?—A. At eight o'clock?

Q. Yes, sir.—A. No, sir; he did not.

Q. Did he tell you there had been anybody to see him?—A. No. I did not ask him the question at all. I felt satisfied there had.

Q. You say that at one time you told Mr. Wait that you had had

money offered to you to vote for Horton, and you made a proposition to him that if he would satisfy you that the Ingalls party was using money you would vote for Horton, and asked him if you could satisfy him that Horton's friends were using money whether he would vote for Ingalls?—A. Yes, sir.

Q. And you made a bargain with him of that kind?—A. Yes, sir.

Q. And pursuant to that you say you went to the Tefft House, and Wait was to follow you?—A. Yes, sir.

Q. You did go there and went into the room, where you saw Mr. Baker?—A. Yes, sir.

Q. You said that Baker threw on the bed a package containing \$500?—A. Yes, sir.

Q. And told you he would give you that and \$200 more if you would vote for Horton. You told him that you would not agree to do it, but if you did not vote for Horton you would return the money?—A. Yes, sir.

Q. You took that package of money and showed it to Wait?—A. Yes, sir.

Q. And told him it was Horton money?—A. Yes, sir.

Q. That is the story. You say that money was handed to you by H. D. Baker or thrown on the bed by H. D. Baker?—A. Yes, sir.

Q. Was anybody else in the room?—A. No, sir.

Q. Where did Baker say he got that money?—A. He told me he got it from Purcell.

Q. When did he tell you so?—A. He told me when he got it. I asked him.

Q. How long?—A. I think he did not tell me when he got it. He told me after that. It was when I came back from home. I want to fix the date. I came back. The legislature adjourned four days, if I recollect, and when I came back we were talking over this matter, and he told me that Wait had said I offered him \$500.

Q. When did he tell you? Give us the date.—A. I think it was the same day that the Kansas City Times, or it may be it was the night before the Kansas City Times, came out in an article against me.

Q. Tell me what day or date it was he made that statement.—A. That was the time.

Q. Did Baker tell you at any time on the day that he gave you the \$500 that he received it from Purcell?—A. No, sir.

Q. That was the morning of Friday, the 31st of January? Ingalls was elected that day?—A. Yes.

Q. The legislature adjourned. Now, when was it that you had the conversation with Legate about returning the money, in which you refused to do it unless you could have Legate as a witness?—A. It was not more than an hour after the election; an hour or perhaps two hours.

Q. That was the time for returning the money?—A. Yes, sir; but I did not tell him at that time that Purcell would have to be present. After that I told him, I think, that Purcell would have to be present.

Q. How long afterwards?—A. As I say, it was about the day or night before the Kansas City Times came out in their article against me.

Q. Have you a copy of that Kansas City Times in your pocket?—A. I should hate to carry it.

Q. The legislature adjourned shortly after the election. When did you go home?—A. I went home on the night train.

Q. On Friday night?—A. Yes, sir.

Q. When did you return?—A. I returned on the morning train the day the legislature met again.

Q. What day was that?—A. I cannot tell without stopping to count.

Q. Stop and count, then. Saturday was one, Sunday two, Monday three. I guess you can count three or four more, if you want?—A. Wednesday, I think.

Q. You came back Tuesday night?—A. I came back Wednesday, on the morning train.

Q. Was it before you returned here that Mr. Baker told you he got that money from Purcell?—A. I would not be positive if he did not tell me both times that the money came from Purcell. I recollect his language, that the check would be signed by Purcell or Cy. Leland at first, but whether he told me this money came from Purcell at that time or said it afterwards I have forgotten.

Q. What was there about a check?—A. He offered to give a check in place of money.

Q. A check to whom?—A. A check to me to draw the money.

Q. To draw it where? I thought you had it in your pocket.—A. This was before I put it in my pocket.

Q. Then you learned before you got that \$500 off the bed that Purcell was furnishing money to Baker?—A. By his saying the check would be signed by Cy. Leland or Purcell. That was the way I learned it, I think.

Q. Did Mr. Baker tell you at any time that he received the money or was receiving money from Purcell?—A. Well, as I said, he told me with regard to the check that he would give the check, and he would have it signed either by Cy. Leland or Purcell, and both of them were good; and when I got the money I do not think he said anything about where the money came from just at the time I got it, but I think it was after that, when I came back from home, that he mentioned the fact that the money came from Purcell.

Q. Which is farthest west, your town or Baker's town?—A. My town.

Q. When you went home, did you see Baker?—A. Going home?

Q. Yes.—A. I did not.

Q. Did you on your return?—A. I did. He was here, I think, when I came back. If he was not here, he came on the next train. I know he was here, because I met him down at the depot.

Q. You testified before the house investigating committee, did you not?—A. Yes, sir.

Q. Did you make any statement before that house committee in regard to Baker's telling you, or not telling you, from whom he received the money?—A. If you read it, I will tell you what I said.

Q. No; I want you to tell from your recollection?—A. I think I told them that there was nothing said about where he got the money at that time, and I will tell you why I said it.

Q. I do not want to know why.—A. All right then.

Q. Did you make any statement before that committee as to whether Baker had or had not, in fact, told you from whom he received the money?—A. I think I told them that Baker had not said from whom he got the money.

Q. You say now that Baker did tell you?—A. That is my recollection. He did tell me.

Q. Then your statement before that investigating committee or your statement here is false—one or the other, is it not?—A. One would judge so by that.

Q. One would be very apt to judge so. You say that when you took that money and showed it to Mr. Watt, you told him that that was money that you had received from Horton's friends?—A. Yes, sir.

Q. Did you tell him it was money you received to vote for Horton, or that had been given you to influence your vote for Horton?—A. I told Mr. Wait that I was to return this money if I did not vote for Horton; but it was Horton money, and I was to keep it if I did vote for him.

Q. Did you tell Mr. Wait that that money had been given to you to influence your vote, but that if you did not vote for Horton you would return it?—A. Yes, sir.

Q. Did you tell him from whom you had received it?—A. No; I did not give him the name. He wanted to know.

Q. And you refused to tell him?—A. Yes, sir.

Q. You told him that if you did not vote for Horton you were to return it?—A. Yes, sir.

Q. He said to you he did not know whether it was Horton money or Ingalls money?—A. Yes.

Q. Did you expect to influence him to support Mr. Ingalls by going to him with a package of money and telling him that you had received that from Horton's friends to vote for Horton, and if you did not vote for Horton you intended to return it?—A. Yes, sir.

Q. Did you think that kind of a statement would influence any man?—A. I thought it would him.

Q. Did you believe any man would believe you told the truth when you said that?—A. I did.

Q. And you believed that a man whom you say had lied to his constituents and lied to you would believe you when you made that proposition?—A. I thought he would, because I could prove to him which side was using money. I was satisfied he already had got money himself; I believed he had got money; and if I could prove to him that I knew that his side was using money, I could make a stronger fight against him at home when he did go there, and prove that he had sold out.

Q. If you wanted to influence him why did you not tell him from whom you received the money, so as to convince him of the fact that it was from Horton's friends?—A. I will tell you why, Baker had always been friendly to me and I had been to him. I did not wish to injure him.

Q. If you did not want to injure Baker you could have lied about it, and told Wait that some other friend of Horton gave you the money, could you not?—A. Well, I do not make a practice of lying.

Q. Would not the necessity of the case have justified it?—A. Not always. I do not know but what I might have told a little lie at the time.

Q. You had been spending your time in bucking the tiger the night before, had you not?—A. A man can be a gentleman and do that too.

Q. But the fact was you had been spending your time in a gambling-room?—A. Certainly; I do not deny it.

Q. Did you not take out of your pocket, in your conversation with Wait, a roll of bills, and tell him you had put in five dollars and drawn out one hundred and ten?—A. I do not remember whether I told him that or not. I know that was the fact, though.

Q. If it was a fact, and you are an honest man, was it not most reasonable, when you were talking about money matters in that confidential way, you should tell him that little transaction?—A. I may have done it.

Q. Then you had won at faro that night \$110?—A. I had.

Q. When did you first count that money which you say you got on the bed?—A. I believe my wife counted it at home.

Q. You had it in your pocket at the time you were up in the house of representatives and voted for Ingalls, had you ?—A. I had.

Q. You had Horton money in your pocket, or money belonging to Horton's friends, and yet voted for Ingalls ?—A. Certainly.

Q. Was that an honest thing to do ?—A. I agreed to give it back in case I did not vote for Horton.

Q. You never gave it back ?—A. They can have it whenever they receipt for it.

Q. Who can have it ?—A. Mr. Purcell.

Q. But you did not receive it from Purcell ?—A. I got it from Baker, but I did not like to give it to Mr. Baker for fear it would not get back.

Q. Then Purcell is out \$700 ; you have \$500 of it and Baker has the other \$200. Is that what you mean to say ?—A. That is the way it is. Baker has got \$225. I gave him \$25 of my own money and told him not to touch that \$200. I did not touch the \$500 until after the committee met and offers had been made ; I had made offer to return it if they would receipt for it. I never heard his testimony until after the committee met, and I showed it to him.

Q. Then you took the \$500 before the committee of investigation and threw it down on the table in their presence ?—A. Yes, sir.

Q. Did you offer to return it to the committee ?—A. No, sir.

Q. Did you offer to deposit it anywhere in the treasury of the State of Kansas ?—A. No, sir.

Q. Or put it in any contribution-box ?—A. No, sir.

Q. And you took it home, and after the legislature adjourned you squandered it, for bread probably ?—A. No, sir.

Q. But you have expended it ?—A. Yes, sir.

Q. Has Mr. Purcell ever called on you for that money ?—A. He sent word by Mr. Legate to get it.

Q. How do you know that ?—A. Mr. Legate told me so.

Q. Have you any other proof of it than that ?—A. No, I have not.

Q. You did not receive any money from Mr. Purcell, but M. Legate told you that Mr. Purcell wanted you to return the \$500 which you picked off the bed and which you say Baker threw there ?—A. Yes, sir ; through Mr. Legate's hands. Mr. Legate told me "I will deliver that package ; you step off there and give it to me."

Q. That was some time after he told you you had a cold deck in your pocket ?—A. Yes, sir.

Q. You told him you could beat them and play on the top of the table ?—A. Yes, sir.

Q. What time was it when you went to the State-house that day after Horton was nominated ?—A. Very near the time for meeting.

Q. The two houses were to go into joint convention at twelve o'clock ?—A. Yes, sir.

Q. Who went with you up to the State-house ?—A. Mr. Merritt.

Q. Which way did you go ?—A. We went around by Mrs. Rankin's, my boarding-house.

Q. The distance from the Tefft House by the way of Mrs. Rankin's to the capitol was about twice as far as it would have been to go the other way ?—A. No, sir ; just two blocks out of the way. You go just the length of two blocks out of the way.

Q. Did you go around there to see Mr. Bull ?—A. I did.

Q. Did you see him ?—A. No, sir.

Q. Did Mr. Merritt go with you at that time ?—A. Yes, sir.

Q. What was the object of going around there to see Mr. Bull ?—A. Well, Mr. Merritt wanted to know if there was any chance in the

world to get Bull to vote for Mr. Ingalls. I told him I did not think there was; that he had told me the night before that Horton was his particular friend. said I, "I used all the arguments I could use on him, and the only thing that will make him vote for Ingalls will be to make him believe that Ingalls is going to win dead sure, and he will do it; if you just satisfy him that Ingalls will win he will vote for him, because he told me so."

Q. Had not Mr. Wait told you he had got another man for you?—A. No, sir.

Q. Is it not the fact that you and Merritt went around there for the purpose of buying up General Bull?—A. I was not in that business.

Q. Whether or not you were in that business generally, is it not the fact that you went around there for that particular purpose at that time?—A. No, sir.

Q. Did Mr. Merritt ever go around with you by way of Mrs. Bankin's before that?—A. No, sir; it was the first time he was ever at the house while I was there that I know of. General Bull was not there when we got there.

Q. You say that you told Mr. Baker that the only thing would make you turn against Ingalls and support Horton would be to satisfy you that Horton was going to win?—A. Yes, sir.

Q. When did you tell him that?—A. I think that was when he first came to me and spoke about voting for Horton.

Q. You say, after you had become satisfied that Horton was going to win, you would have left Ingalls and supported Horton?—A. I do not know but what I might, but I should have hated to do it most terribly.

Q. I am not asking you about your feelings; that is a delicate matter; I would not trench on that, of course; but as a mere matter of fact would you have done that?—A. Let me explain. The object is to get on the winning side in Kansas always when a man is being elected to office; it is a big object to be on the winning side.

Q. That is, to bet on the winning card?—A. Certainly, if you put it that way.

Q. I ask the direct question, and I want a direct answer, if you choose to give it: if you had become satisfied that morning of the election that Horton would be the winning man would you have voted for Horton?—A. Not unless I could have made Horton believe I was friendly to him; I do not think I would.

Q. With that condition, would you?—A. I never go begging.

Q. Would you have voted for Horton if you had believed he was going to be the winning man and he believed you were his friend?—A. Well, I was not thinking about that at that time. I will tell you what my object was in saying that, if you want to know.

Q. I only ask as a fact, would you have done it or not?—A. I cannot tell now. Things came around so that I do not know whether I would or not. I should like to explain a point, though, in regard to what I was saying to these parties about being on the winning side. I wanted to make General Bull believe that we were going to win; that was my object. In regard to Mr. Baker, I told him if he could make me believe that Horton would win, I wanted to get all the points I could out of him; I wanted him to show me how he was going to win.

Q. Is it not your experience that the winning side is the side which has the money and uses it?—A. No, sir; I beat Mr. Long last fall, and I did not have any money.

By Senator VANCE:

Q. Did Mr. Baker ever ask you to return this money?—A. To him?

Q. Yes, sir.—A. Well, he was not very particular about it.

Q. You have seen him frequently since ?—A. Yes, sir.

Q. And he has never asked you for it ?—A. The fact of the business is I do not believe he cared about my returning it.

By Senator CAMERON :

Q. Did he ever talk to you about it ?—A. When I met him in the Tefft House, just after I came from above, he wanted me to return it just as I came from the capitol. I told him to go and get Jim Legate and I would return it. I was honest about it, too, at that time. I would have returned it if Jim had come down.

Re-examined by Mr. WILLIAMS :

Q. What is your business ?—A. I am a farmer.

Q. Are you a man of some means ?—A. Well, I have got a little something to go on.

Q. Would you be in a situation, if these parties demanded the \$500, to immediately raise it for them ?—A. I could raise it in two days. I could not give a draft for it now, but I could go home and get it inside of two days.

Q. Did you lose any of this \$500 to any members of the legislature who did not happen to be Ingalls men ?—A. I do not like to tell the little secrets of the poker table.

Q. I am not asking for names ; but, in fact, did you ?—A. I did.

Q. Some gentlemen who voted for Horton ?—A. Yes, sir.

Q. You started awhile ago to give a reason why you did not state before the legislative investigating committee who furnished this money to Baker. If you have any explanation to make of that, you can make it now.—A. Well, Judge Horton is chief justice of the State, and the judge had worked against this investigation ; he had gone down to the caucus and asked them not to press the matter, as I understood, and told them it would just ruin the party, that would be all, and it would almost ruin him. I considered, as Judge Horton was not making this fight himself, that I would not say anything against him or his leaders. I did not like to make the fight that way, and I would not give Mr. Baker's name until I was compelled to do so by this committee.

Q. That is the same H. D. Baker who was subpoenaed and reported here the other day ?—A. I did not see Mr. Baker here.

Q. Mr. Baker is sheriff of Saline County ?—A. He is the sheriff of Saline County.

Q. Has any one besides Mr. Baker told you that this money came from Purcell ; and, if so, who ?—A. Yes, sir ; D. R. Wagstaff, of Salina.

Recross-examined by Mr. WEBB :

Q. Do you know that Judge Horton went into any caucus and made any remarks, or suggestions, or request, with respect to the investigation ?—A. I heard so.

Q. I ask if you know so ?—A. I did not see him. Do you think I would be around in that caucus ?

Q. Answer my question.—A. I said I was not there.

Q. Who told you that Horton made any such request as that ?—A. Mr. Legate ; he went with him, and said Judge Horton begged him, with tears in his eyes, not to have any investigation ; it would ruin him.

Q. Any other party besides Mr. Legate ?—A. I considered him good.

Q. Did you get it from any other source than Mr. Legate ?—A. I did not. I have heard other parties say that they heard the same, but that was all Mr. Legate said ; he went with him.

Q. Counsel asked you in regard to your present pecuniary ability and circumstances, and the probabilities of your raising \$500 if it was necessary to repay that money. To the same end, I ask you if it is not a fact that you took up one of your own notes last fall at 50 cents on the dollar, saying you were not able to pay any more?—A. No, sir. I have got to explain that.

Q. No; you have answered it sufficiently.—A. Not because I was obliged to, but because the other party was obliged to do it. As you asked the question, I desire to explain the matter. Mr. Long, my opponent, had a note of mine for \$115, and in making his fight against me he thought he would make a point. The note was payable in January following the election. He said he had a note of mine that he would take 50 cents on the dollar for; and after the election I took this paper of his—this circular that he had printed—to his office, and said I, “You wrote that?” “Yes.” “Now,” said I, “you can go down and publish that that was a lie or you can take the 50 cents on the dollar, whichever you prefer;” and he preferred taking 50 cents on the dollar, and I paid him.

By Senator BAILEY:

Q. Did you owe him the money?—A. Yes, sir.

Q. An honest debt justly due?—A. Yes, sir. I considered he had damaged me to that extent in making this statement that he would take 50 cents on the dollar. I knew it would hurt him worse to lose a dollar than I could hurt him in any other way. I made that proposition expecting he would say it was a lie.

Q. What Legate do you speak of?—A. From Leavenworth.

Q. The gentleman examined here the other day?—A. James Legate.

Q. Where does the banker you speak of live?—A. Mr. Purcell is not a banker. He lives at Manhattan; he is treasurer of the agricultural college.

Q. Where is Manhattan?—A. Between here and Ellsworth County, fifty miles west of here.

Q. You said that Mr. Baker proposed first to give you a check for that \$500?—A. Yes, sir.

Q. Upon what bank did he propose to give that check?—A. He did not say. All he said was it would be signed either by Cy. Leland or E. B. Purcell.

Who is Cy. Leland?—A. A gentleman I have heard of a good deal in politics. I do not know him.

Q. Does he live in Topeka?—A. I do not know. I think he lives up north somewhere.

Mr. EVEREST. I will say that he lives in Doniphan County.

Q. (By Senator BAILEY.) Do you know Mr. Purcell?—A. Not by sight.

Q. Did you know whether he had a bank account in the city of Topeka, or not?—A. No, sir; I did not.

Q. How long after it was proposed to give you this check was it before that money was brought?—A. It was about an hour.

Q. Where had that money been obtained?—A. Baker told me he got it from Mr. Purcell.

Q. Was it put up in the form in which bankers usually put up their money?—A. Yes, sir.

Q. In a package?—A. A regular banking package.

Q. With “\$500” marked upon it?—A. Yes, sir.

By Mr. EVEREST:

Q. Have you the band?—A. I have.

Q. Produce it.

(The witness produced a paper band with "\$500" marked upon it.)

Q. Is that the band that surrounded that package of \$500 that was given to you by Mr. Baker?—A. Yes, sir.

Q. The identical band?—A. Yes, sir.

By Senator BAILEY:

Q. When did Mr. Purcell come to the city of Topeka?—A. I do not know him.

Q. Was he in the city at that time?—A. I understood he was. I would not know him to see him now; I do not know him by sight. I know him by reputation; that is all. He is a prominent man in politics. I have seen his name in the papers and heard of him.

Q. How many banks are there in the city of Topeka?—A. That is more than I know. I know there is one opposite the Tefft House, and a national bank on the corner below; I cannot tell the name of the street even. I never did any business in any of the banks here.

Mr. WEBB. I wish this band preserved.

Mr. EVEREST. We have no objection. Let it be preserved by the clerk.

(The band was marked "H. T. A.")

DANIEL GRASS, a witness called by the respondent, recalled for further examination.

By Mr. EVEREST:

Question. Did you hear the testimony of Mr. Johnson, of Greenwood County, this morning?—Answer. I did not. I heard him start to testify, but went out just as he began.

Q. Were you in company with Senator I. O. Savage, Byron Roberts, and J. S. Danford about ten o'clock, at the south door of the Tefft House, on the morning of the last ballot for Senator?—A. I was not.

Q. Were you in company with either of those gentlemen with Mr. Savage at that place that morning?—A. I was not in company with either of them with Mr. Savage, because I kept him to myself; and talked with nobody else.

Q. You say you did talk with Mr. Savage there that morning?—A. I did.

Q. While you were talking, or in company with Mr. Savage, was Byron Roberts or J. S. Danford present or about with you?—A. If they were I did not see them.

Q. Were they near or in your company at that time?—A. They were not in my view.

Q. You knew them both well at that time?—A. I knew Byron Roberts as well as I knew I. O. Savage. I possibly knew Danford; I do not know whether I did or not.

Q. Have you seen him here?—A. I did see him here, but I did not recognize him when I met him. He was introduced to me the other evening, but I did not recognize him when I met him.

Cross-examined by Mr. WEBB:

Q. You told us the other day all about your going to see Mr. Savage and your interview with him. Now tell me where you first met him on that occasion?—A. I met him near the east door of the Tefft House, near the main entrance.

Q. Did you remain standing talking with him or did you walk ?—A. Walked immediately. I do not think I remained standing there exceeding one minute.

Q. Where did you walk ?—A. Right down the street this way (indicating.)

Q. How far ?—A. As far as Roberts's bank.

Q. Then what ?—A. Went into a saloon.

Q. Then what ?—A. Took a drink.

Q. Then what ?—A. Then talked to him.

Q. Then what ?—A. Then talked to him again.

Q. Then what ?—A. Then went up stairs.

Q. Where ?—A. We came up the street again.

Q. Then what ?—A. Then I walked him back up there and kept on talking to him, and stood there talking with him until I got him in the presence of some of the men from our county and left him. I was with him perhaps an hour altogether.

Q. When you left him with men of your county, do you know who else was around them there; was there not a crowd there ?—A. There was a considerable crowd there; I do not know who all were there.

Q. When you left him there where did you go ?—A. I went off to look after Ross Williams.

Q. At the time you left him there in close proximity to, or in company with, men from your county, and went away after Mr. Williams, do you undertake to say that Mr. Roberts and Mr. Danford, or either of them, were not standing right there in the crowd ?—A. I do not undertake to say any such thing. I undertake to say I did not see them.

BYRON ROBERTS, a witness called by the respondent, sworn and examined.

By Mr. EVEREST:

Question. Where do you reside ?—Answer. In this city.

Q. Is there any other gentleman of your name residing in Topeka ?—A. Not Byron Roberts.

Q. Was there during the last Senatorial canvass ?—A. Not that I know of.

Q. Did you hear the testimony of Mr. Johnson, from Greenwood County, this morning ?—A. I did not.

Q. I ask you to state to the committee whether on the morning of the election of United States Senator you were at the south door of the Tefft House in company with I. O. Savage, Senator Grass, and J. S. Danford ?—A. I will say that I was not.

Cross-examined by Mr. WEBB:

Q. Were you around the Tefft House at all that morning ?—A. I was.

Q. Did you see Senator Grass there ?—A. Not that I know of.

Q. Did you see J. S. Danford there ?—A. I did.

Q. Did you see I. O. Savage there ?—A. Not that I know of.

Q. Can you state that you were not standing there at some time on the walk talking with some persons when Mr. Savage was close by you ?—A. I can say that, if I was, I did not see him.

Q. What you say, then, is that you yourself were not talking to Mr. Savage ?—A. I say that I was not.

Q. Whether anybody else was present or not ?—A. I say that.

Q. Was there not considerable excitement and commotion there that morning ?—A. I do not know what you call "excitement and commo-

tion." There was anxiety there among the different candidates and those who represented them.

Q. Is it not the fact that you were that morning at the south door of the Tefft House?—A. That I cannot say; I do not remember being there; I most likely passed through there; I might have stopped and talked to somebody there, but I know that I did not stop and talk to Mr. Savage.

Q. Did you not talk with J. S. Danford there that morning?—A. I do not remember doing that.

The committee adjourned until to-morrow at half past 9 o'clock a. m.

SATURDAY, *October 4, 1879.*

The committee met pursuant to adjournment, all the members being present, also the counsel for the memorialists, and the respondent with his counsel.

CHARLES S. ALDRICH, a witness called by the respondent, affirmed and examined.

By Mr. EVEREST:

Question. State where you reside.—Answer. I reside in Smith County, Kansas.

Q. How long have you resided there?—A. Seven years.

Q. Were you at Topeka during the last Senatorial contest?—A. I was.

Q. Do you know one Ballinger who testified here?—A. I do.

Q. State if you know Samuel C. Pomeroy, formerly United States Senator from this State?—A. I do.

Q. State whether you know that Ballinger was an acquaintance of Mr. Pomeroy or not, before and during the last Senatorial contest?—A. He was.

Q. State what you know, using your own language, connected with the late Senatorial contest, or what acts or part Ballinger took in connection therewith. State fully as if specially interrogated.—A. Colonel Ballinger was here, as he expressed to me, in opposition to the election of Senator Ingalls. He was working with myself, ex-Senator Pomeroy, Captain A. A. Thomas and others to that end. I had frequent conferences with Colonel Ballinger, knowing him quite well; met him sometimes half a dozen times a day when he was here. There was a day or two that he was gone during the fight; but when he was here I had frequent conferences with him, and he was very earnest in his endeavors to defeat Senator Ingalls and expressed a willingness in conjunction with S. C. Pomeroy, Captain Thomas, and others, to use any and all means for that purpose. He came to me—I cannot tell the date; it was prior to the time that the anti-Ingalls element had agreed upon Judge Horton as the candidate, and in response to a question I put to him as to what means were used to procure the vote of Mr. Martin, of Kingman, for S. C. Pomeroy, told me that he was the go-between between Samuel C. Pomeroy and Mr. Martin. He did not tell me the amount of money that was furnished him to carry to Mr. Martin, but he told me that he slipped into the pile so that he got a good fair commission, and Mr. Martin was satisfied. My reason for asking this question was that Samuel C. Pomeroy, prior to this, had told me something of this Mr. Martin; had told me that at a certain time Mr. Martin's vote was going to him, and

he suggested to me at one time that I act as the go-between and do this business.

By Senator BAILEY :

Q. Who did—Pomeroy?—A. Pomeroy; and I put him off with some excuse. I do not remember now what it was; told him I would see him again in relation to it. When I called around at his office later in the evening he told me he had secured the services of Colonel Ballinger.

By Mr. EVEREST :

Q. Who said that?—A. Mr. Pomeroy told me that. After that, of course, wanting a little information in relation to it, and following up the string just for my own personal satisfaction, I had this conversation with Ballinger, and while Ballinger did not tell me the actual amount that was conveyed, he told me that after he had nipped his commission out of it, as he expressed it, Mr. Martin got \$300 for his vote.

Q. State right here if Mr. Martin had not previous to that time been voting for Senator Ingalls.—A. I will not be positive in relation to that, for the reason that I was not present at the sessions of the joint convention up there and did not attend any of the caucuses, not being a member, but it is my impression that he had up to that date been voting for Senator Ingalls.

Q. Now go on and state what else you know about the matter.—A. Only so far as Colonel Ballinger's connection is concerned is about all that I know of any moment.

Q. State what conversations, if any, you heard between one L. F. Eggers, Stumbaugh, and Pomeroy as to what means they were to use to defeat Senator Ingalls.—A. I heard no conversations between Mr. Stumbaugh, Mr. Eggers, and Mr. Pomeroy. I had some conversations of a general character with Mr. Eggers, and his proposition was to beat Mr. Ingalls. He was very bitter. I cannot give any of his expressions. I heard a number of conversations between Captain Thomas, Mr. Pomeroy, and Dr. Hodge in relation to the matter, and they expressed themselves as not only willing, but anxious to use any means for the purpose of procuring his defeat. The general expressions between these men were, "We have got to beat the man down." Thomas was very bitter. Thomas's pet term that he used was, "We have got to kill the son of a bitch." That was his pet expression. I heard him express himself in that way probably twenty times, being quite intimately acquainted with him.

Q. Did you have any interview or conversation with S. O. Pomeroy after the anti-Ingalls caucus?—A. Yes, sir.

Q. State what that was, and where it took place.—A. It took place in one of the private parlors of the Tefft House, one of the rooms that he occupied. He had two parlors, or two rooms; one we called the front room and the other the back room. He called me in there, and in fact I went to his room for the purpose of learning what the number of votes was that was cast in the anti-Ingalls caucus that agreed upon Judge Horton. It was reported around that there were 93 votes there all pledged to Judge Horton. I went to him and said, "Mr. Pomeroy, tell me just how many votes there were in that caucus." He declined to tell me. He at first said 93. I said, "That is too thin; there is no use of talking that to me; it is not possible." He declined to tell me the exact number of votes. He, however, went to work and told me that there was nearly enough votes to accomplish his election, and that by daylight they would have enough. I had quite a long conversation with him in relation to the matter at that time. He requested me to take

right hold and work actively and earnestly to that end. He told me "If you find any doubting members, any shaky members, any members that you believe have been bought by the other side, that can be bought again, send them either to Captain A. A. Thomas or to Mr. Purcell."

Q. Did you know Mr. Purcell at that time?—A. I knew him by sight. I first met Mr. Purcell in Manhattan at the Congressional convention.

Q. Does he reside at Manhattan?—A. I am told that he does.

Q. Is he a gentleman of wealth?—A. I do not know in relation to that.

Q. Did you have any conversation with S. C. Pomeroy after the Senatorial election, with reference to any means being used by the opponents of Senator Ingalls?—A. Yes, sir.

Q. State what it was.—A. The next morning after the Senatorial election I was in ex-Senator Pomeroy's room. He was packing up his clothes and fraps and getting ready to leave. I was sitting in his front parlor smoking a cigar, and quite a number of gentlemen came in, one at a time, and took him into the back room and had short conferences with him, and then they would go out. Finally it appeared to me as though these men, coming in the way they did, pestered the old man a little, and finally he commenced talking about it. Said he, "I don't know why it is these boys all run to me for money. Here is a lot of fellows that have been here through the fight, and they are strapped; they have not money enough to pay their bills and get home, and they are all running to me as though I was a national bank. I have not any money. The night that the anti-Ingalls caucus agreed upon Judge Horton I loaned Judge Horton \$6,000; after they had agreed upon him as the opposition candidate I loaned him \$6,000, and just saved enough money to pay my own bills, and if I have money enough to get up to Muscotah I will be very lucky, indeed; and I wish they would not pester me any more." I had heard of this loan prior to this from other sources.

Q. From what other sources had you received information in regard to that loan?—A. Captain Thomas told me, between four and five o'clock in the morning, after they had agreed on Judge Horton in the anti-Ingalls caucus, if I saw any parties that I thought could be influenced with money, to send them either to him or to Mr. Purcell; that the old man had furnished Mr. Horton with all the money he wanted; that the other side was buying votes, and, "God damn them, we are going to oversize their pile."

Q. State whether Mr. Thomas that you speak of was an active participant in that Senatorial contest in opposition to Senator Ingalls.—A. He was.

Q. Was that the case with reference to Mr. Purcell?—A. I cannot say in relation to that.

Q. In any of these conversations, was the name of any particular member of the legislature mentioned? If so, state it.—A. None but Mr. Martin, of Kingman, that I recollect of now. Yes; I recollect now the day of the final vote, as the members were going up to the State-house to meet in joint convention, Captain Thomas came to me and asked me if I knew how the member from my county was going to vote.

Q. What county is that?—A. Smith County. I told him I did not know for certain. The expression I used was, that he was one of those damn-fool Greenbackers, and I had not attempted to have any conversation with him in relation to it.

Q. Who was the member?—A. His name was Baker. He told me that he had just been informed that Ingalls's friends had purchased the

vote of Mr. Baker, and he wanted I should go and overhaul Mr. Baker—he had just gone by the Tefft House a few moments before—and see if I could not oversize their pile. He authorized me to offer him \$500 for his vote; but I did not see Mr. Baker. I did not make any attempt to see him. He voted, however, for Mr. Horton. I think the rumor that he had been bought on the other side was false. I do not think he had any intention, at any time, to vote for Mr. Ingalls, although I do not know. That is my impression.

Q. After the Senatorial contest was over, state what conversations you had, if any, with Mr. Pomeroy, Mr. Eggers, or Mr. Stumbaugh, relative to a proposed investigation and its purpose.—A. I had no conversation with Mr. Stumbaugh at all in relation to this matter. I was not acquainted with him; had just met him; been introduced to him. I do not recollect having any conversation with Mr. Eggers there. I might have had, something of a general nature. I did, however, have some conversation with Mr. Pomeroy the day after the election, and with Captain A. A. Thomas several times after that. I was here some two or three weeks after the Senatorial contest ended—two weeks anyhow—and I talked with Captain Thomas, probably every day, in relation to this investigation. Captain Thomas upon different occasions insisted upon my going in, and, as he expressed it, “Helping to work up the case.” He mentioned one or two men—one in particular—that he thought could be approached with money. He said, “I know he is a damned son of a bitch, and I think he will do anything for money, and if you will put up a job, or work it up if I give you a job, I will not only pay you for it, but pay him for it well.” That man was Harry Anderson.

Q. Harry Anderson, the man who swore here?—A. The man who swore here yesterday.

Q. Were you offered any sum of money or consideration by Mr. Thomas, or Pomeroy, or others who were working against Mr. Ingalls, for the purpose of instituting or carrying on a proposed investigation against Senator Ingalls?—A. I was offered no specified sum. I received offers from Captain Thomas, and once in particular from Mr. Pomeroy, to take hold of the matter. The offer that I received from Mr. Pomeroy was prior to the election of Senator Ingalls. His offer was, “I want you to go to Mr. Ingalls and get some of his money; put up any kind of a story, and get some money from him, and then we will expose him, and I will pay you your price.” He made me that proposition, I presume, half a dozen different times. Captain Thomas, after the election, proposed to me that I take hold and help work the matter up and help follow it through and help work up evidence against him, and he said, “Money is no consideration in this thing; you can have your price for your work.” He named no specific sum.

Q. Where did Captain Thomas reside at the time of the Senatorial contest?—A. He claims to be a resident of Washington, D. C.

Q. Do I understand you to state that he remained here two or three weeks after the Senatorial contest?—A. Captain Thomas was here for several days, I think in the neighborhood of two weeks. I would not be positive in relation to that, however. He was here when I left to go home. Whether he had been away for a day or two, or two or three days, in the interim, is more than I can tell. I do not recollect now.

Q. Do you know for what purpose he was working here?—A. He expressed to me that he had camped right on Senator Ingalls's trail, and was going to have his scalp. That was a pet expression of his, and also, “son of a bitch.”

Q. Do you know where Captain Thomas resided previous to his residence in Washington, D. C.?—A. He resided in Kerwin, Kans.

Q. Do you know what official position he held previous to his residence in Washington?—A. He was for four years, or thereabouts, register of the land office in the northwestern land district of Kansas.

Q. Was that during the Pomeroy reign in Kansas?—A. I think he received his appointment before Mr. Pomeroy went out of office.

Q. Do you know anything about the circumstances connected with his retirement from the land office?—A. I do. I was actively engaged in the fight against him.

Q. State what it was.—A. Well, the real cause of his removal was that he had procured through false representations some property of the town company in Kerwin. He made a statement to them—they were agitating the removal of the land office from Cawker City to Kerwin, or some point west—he made a statement to the members of the town company of Kerwin that he could locate the land office where he pleased, and if they would give him a house and lot with \$800, he would put it there—locate the office at Kerwin. They did give him the property that he requested them to, and afterwards, at the time of the fight against him, they made proof of that in Washington, and that, I am told, was the direct cause of his removal.

Q. Kerwin is in the county adjoining the county you live in?—A. Yes, sir.

Q. But in the same land district?—A. In the same land district.

Q. I did not fully understand your statements in regard to Mr. Anderson. State again what conversation was had with reference to him with Mr. Pomeroy or Thomas.—A. The conversation was with Captain Thomas. Captain Thomas was trying to prevail upon me, and proposed to me that I go to work and get up some evidence in relation to the matter, or what purported to be evidence, and then go in "cahoots," or rather prevail on Mr. Anderson to back it up.

Q. What Anderson?—A. He called him "Harry Anderson."

Q. The one sworn here last night?—A. The one sworn here yesterday. He called him "Harry Anderson."

Q. You say you were acquainted with S. C. Pomeroy and Ballinger before you came here to Topeka last winter. I ask you to state when you became acquainted with them and under what circumstances.—A. I first met S. C. Pomeroy here in Topeka in the Senatorial fight that transpired two years ago last winter, at the time Senator Plumb was elected. I first met him there and got quite well acquainted with him. I first met Colonel Ballinger either four or five years ago this coming winter, in the legislature here. He held some official position.

Q. Did you represent your county in the legislature at that time?—A. I did.

Q. A member of the house?—A. Of the house.

Q. Did you take any part in the Senatorial contest when Senator Plumb was elected? If so, in connection with whom?—A. I took part as an outsider, not as a member, in connection with Judge Sears; that is, I started in as the friend of Judge Sears. I had worked up a little interest for him in Northwestern Kansas, some four or five votes. I came down here with those men, and we staid in the fight until Judge Sears was decently licked and withdrew from the contest. We then joined forces with Senator Plumb, and after, and prior to that, in fact, I got well acquainted with ex-Senator Pomeroy, and especially after Judge Sears was out of the fight.

Q. Did you work together during that fight to some extent with Mr. Pomeroy and Mr. Ballinger?—A. Yes, sir.

Q. Whom was S. C. Pomeroy for in that fight?—A. Well, in the outcome he was for Plumb. I cannot say whom he was for in the beginning.

Q. Whom was Ballinger for in that contest?—A. Ballinger and myself were working together for Judge Sears.

Q. And afterwards for whom?—A. Well, I will not say that Ballinger worked for Colonel Plumb after Sears went out of the fight. I cannot say in relation to that.

Q. I ask you whether or not, in that contest, Ballinger, yourself, and Pomeroy were in frequent consultation together and well acquainted with each other?—A. Yes, sir.

Cross-examined by Mr. WEBB :

Q. What year was it that you were a member of the legislature?—A. I was a member of the house in 1875 and 1876.

Q. There was no Senatorial election in either of those years?—A. No, sir.

Q. You were here at the session of 1877?—A. Yes, sir.

Q. That was the session at which Plumb was elected?—A. Yes, sir.

Q. You were on very friendly and intimate terms with Senator Pomeroy during that session?—A. I got quite well acquainted with him during that session; had never met him prior to that.

Q. You became very intimate with him, did you not?—A. Well, I do not know that you might call it "intimate"; I became quite well acquainted with him.

Q. You became well enough acquainted with him to have him tell you what he desired in respect to the Senatorial election, did you not?—A. He did not tell me that until after Judge Sears was out of the way.

Q. Did he at all during the canvass?—A. Yes.

Q. Did you know his choice—his preference?—A. After Judge Sears was out of the way, he told me who his choice was, and requested me to assist in the contest for Senator Plumb.

Q. You yourself were a friend of Sears while he was in the field?—A. Yes, sir.

Q. Do you not know that Pomeroy was also a friend of Sears while he was a candidate?—A. I know that Judge Sears believed that to be so, but I never believed it to be so.

Q. Do you know that in the end Senator Pomeroy supported Plumb?—A. Yes, sir.

Q. And you yourself supported Plumb?—A. Yes, sir.

Q. So, you and Senator Pomeroy, in the end of that contest, were working together?—A. Yes, sir.

Q. And he was giving you his confidence and you gave him yours?—A. Not to a very great extent, neither one of us.

Q. You talked together a good deal?—A. Yes; we talked together quite a good deal.

Q. Friendly?—A. Friendly.

Q. Did you not know, as a matter of fact, that at that time Mr. Pomeroy's principal object was to get some man elected to the United States Senate from Southern Kansas who two years thence would be opposed to Ingalls's re-election?—A. I heard such talk.

Q. Did not Pomeroy tell you so?—A. I do not remember; I cannot tell in relation to that.

Q. You were friendly to Senator Pomeroy—I do not mean his election now, but personally?—A. Personally; yes, sir.

Q. You knew, then, that he was opposed to Senator Ingalls?—A. Yes, sir.

Q. Just as he was last winter?—A. Yes, sir.

Q. He did not disguise that at all; he was against Ingalls at both elections, was he not?—A. Well, I think he was personally and politically unfriendly to Senator Ingalls. although I heard no talk at that time that Senator Ingalls's interests were in jeopardy in the fight of two years ago last winter.

Q. In that same contest you say you became acquainted with Colonel Ballinger?—A. No, sir; I became acquainted with Colouel Ballinger either in 1875 or 1876.

Q. You worked with him then?—A. I worked with him.

Q. He and Pomeroy were then working together, were they not?—

A. I was working with Judge Sears.

Q. I do not want you to tell me anything, except to answer my questions; if you cannot, say you do not know, and I am satisfied. I want to know if Ballinger and Pomeroy were working together, so far as they worked in that campaign?—A. I do not think they were with Judge Sears.

Q. Did not Ballinger, in the end, favor Plumb?—A. I do not know in relation to that; I do not think that he did, but still I do not know.

Q. Was Captain Thomas here during that contest?—A. Yes, sir.

Q. How long have you known Captain Thomas?—A. Ever since I have been in the State.

Q. Do you know what Captain Thomas was doing during that canvass two years ago last winter?—A. He was, as he expressed it to me, holding himself back in the contest until the matter took shape. I did not hear any expression from him as to whom he was for until after Senator Harvey and Judge Sears had dropped out of the fight.

Q. You were on friendly terms that winter?—A. Yes, sir.

Q. Talked freely about the election?—A. Yes, sir.

Q. You knew that he and Pomeroy were very friendly?—A. Yes, sir.

Q. You and Pomeroy were friendly?—A. Yes, sir.

Q. You knew that he was opposed to Ingalls?—A. Thomas? Yes, sir.

Q. This last winter Pomeroy was again here?—A. Yes, sir.

Q. And Thomas?—A. Yes, sir.

Q. And Ballinger?—A. Yes, sir.

Q. And yourself?—A. Yes, sir.

Q. And you were all friends?—A. Yes, sir.

Q. You had a good many talks with Pomeroy about what he wished. He told you he wanted to use you to buy up Martin, of Kingman?—A. Yes, sir.

Q. And told you afterwards that he got Ballinger to act as go-between and buy him up?—A. Yes, sir.

Q. Thomas told you all about his plans. Thomas was acquainted with Harry Anderson?—A. He knew of him here. I do not think he ever met him until he came here.

Q. He told you he was a "son of a bitch"?—A. Yes, sir.

Q. Told you he wanted to use him to put up a job on Ingalls?—A. Yes, sir.

Q. Thomas told you he was camped on Ingalls's trail?—A. Yes, sir.

Q. And going to have his scalp?—A. Yes, sir.

Q. Whom were you supporting for Senator last winter?—A. I came here at the beginning of the fight in the interest of no particular candidate for United States Senator, but came here for the purpose of trying to procure the confirmation of one of my friends who had been ap-

pointed during the recess of Congress, prior to that, to the position of register of the Kerwin land office.

Q. Whom were you here working for for United States Senator? I want the question answered.—A. I am going to answer the question in the way I see fit.

Q. Try and answer my question.—A. When I get around to it, yes. I do not like this idea of being bulldozed.

Q. Answer my questions. If you have any explanation to make to the committee, the committee and Mr. Ingalls's counsel will give you the opportunity. I want an answer to my question.—A. Ask it again.

Q. Whom were you working for for United States Senator last winter?—A. At the start I was working for Colonel Phillips.

Q. When Phillips was out of the way, whom did you work for next?—A. I did not work for anybody in particular.

Q. You had a choice between the other candidates, had you not?—A. No very great choice.

Q. Did you have any choice?—A. I might have had a choice.

Q. Did you have a choice?—A. No; I do not think I had any particular choice.

Q. You knew that Pomeroy had a choice, did you not?—A. No.

Q. You knew that Thomas had a choice, did you not?—A. No, sir. They expressed themselves "anybody in God's world to beat Ingalls."

Q. You knew that Ballinger had a choice, did you not?—A. No; I do not think Ballinger had a choice.

Q. You knew that Pomeroy and Thomas and Ballinger were all against Ingalls?—A. Yes, sir.

Q. And ready to do anything, as you say, to accomplish his defeat?—A. Yes, sir.

Q. Talked about the use of money; told you that the other side (meaning the Ingalls side) were using money?—A. Yes, sir.

Q. And Thomas said that Pomeroy had loaned Horton money, and if you knew of any one that had sold out to the Ingalls side to buy him back again, because they could oversize their pile?—A. Yes, sir.

Q. You were in confidential communication, or in very friendly and intimate intercourse, if you prefer that phrase, with Senator Ingalls here last winter, were you not?—A. No, sir.

Q. Were you not in and out of his room a great deal?—A. I was in his room quite a number of times.

Q. If you were not on confidential and friendly terms with Senator Ingalls, how happened it that he wanted you to buy up Martin, of Kingman?—A. You are talking about Ingalls. Why don't you say Pomeroy, what you mean?

Q. Pardon me if I substituted Mr. Ingalls's name for Mr. Pomeroy's. I know they ought not both to be mentioned on the same day.—A. Then get it right.

A. Were you not on very intimate and confidential terms with Pomeroy?—A. Yes, sir.

Q. He gave you his confidence?—A. To a certain extent.

Q. Tried to get you to use money to buy up members of the legislature?—A. Yes, sir.

Q. Thomas tried to get you to serve in the same capacity?—A. Yes, sir.

Q. Ballinger was working to the same end?—A. He appeared to be.

Q. Were you not on confidential terms with Ingalls?—A. No, sir.

Q. You did not visit the Ingalls camp?—A. I was in his room quite a

number of times. Had one private conference with him when I first came down.

Q. Ingalls and his forces did not try to get you to buy up members of the legislature?—A. No, sir.

Q. Not at all?—A. No, sir.

Q. How did it happen that, having been opposed to Ingalls, not on confidential terms with him, having had the confidence of Pomeroy, Thomas, and Ballinger, you are now here betraying all the confidence that these men reposed in you?—A. I am here simply in the interest of common decency. Looking upon this fight as I do, as an attempt on the part of broken-down political dead-beats and ex-United States officials to break the man down, I am here. I did not know when I was subpoenaed which side had subpoenaed me, and I did not know until I got here in whose behalf I was subpoenaed; but I am here in the general interest of Kansas, for the purpose of stating what I know about this fight, and I do not care whom it hurts or whom it does not hurt. I have no axes to grind, and I am not a candidate for any office.

Q. "Ex-United States officials"?—A. Yes, sir.

Q. Do you not know that Ingalls's forces contained Federal officers and ex-Federal officers without number?—A. I do not know in relation to that. It don't signify anything if they did.

Q. In the stump speech you have just made, why did you lug in "ex-United States officials"?—A. I was referring to Captain Thomas and Dr. Hodge and men of that ilk.

Q. You say that you were one of the principal men in the campaign which secured Captain Thomas's removal from a land office?—A. I was interested in that removal.

Q. Did you not say that you took an active part to that end?—A. Yes, sir.

Q. You were then opposed to him?—A. I was opposed to him at that time—four or five years ago.

Q. And through the instrumentality of yourself and others he was removed from office?—A. Yes, sir; principally others, though.

Q. You knew that he had promised to get the land office located at Kerwin if they would give him a house and lot?—A. Yes, sir.

Q. And all these matters and others were proved against him at Washington?—A. Yes, sir.

Q. You knew he was dishonest?—A. I believed him to be.

Q. Believing him to be dishonest, you came down here and went into cahoots with him and Pomeroy and others to clean Ingalls out; is that the fact?—A. That is the fact. I would probably have gone cahoots with you just as readily.

Q. I should not have taken you in. I should be afraid you would do just what you have done here. Have you seen ex-Senator Pomeroy in this city recently?—A. Yes, sir.

Q. When?—A. I cannot recollect what morning it was. He sent for me to go down to Poppendick's saloon or hotel.

Q. I only asked you if you saw him?—A. I saw him.

Q. Did you not go of our own accord to his room as soon as you knew he was in the city?—A. No, sir; I did not. Charles H. Miller came to me and said that Senator Pomeroy requested that I call on him at Poppendick's.

Q. Well, I ask you if you did not tell Senator Pomeroy that you would furnish information against Ingalls if he would pay you for it?—A. No, sir.

Q. You say that Thomas proposed to you that you buy up men and buy

back men that had sold out to Ingalls, and then put up a job on Ingalls and expose him?—A. Yes, sir.

Q. Was that before the Senatorial election or after?—A. Before the Senatorial election he told me that if I found any one whom I believed had been bought by Senator Ingalls's friends, if I believed they could be bought with a greater price to vote for Judge Horton, to either bring them to him or send them to Mr. Purcell. After the Senatorial election he made a proposition—

Q. One thing at a time.—A. I am going to answer the question as you asked it.

Q. I will stop you right there.—A. You asked me not only in relation to buying votes but buying evidence. Now I will answer that part of it. After the Senatorial election, Captain Thomas made the proposition to me that I prevail on this man Anderson to sell out Mr. Ingalls and tell what he knew about it, and he said he would furnish the money for the purpose and to pay me for the work.

Q. When did Thomas tell you that?—A. Some three or four or five—I cannot tell just how many days after the Senatorial election—after the investigation here had commenced.

Q. Did you go before that investigating committee and testify?—A. No, sir.

Q. Did you go to the chairman of that committee, Mr. Randolph, and tell him anything about it?—A. No, sir.

Q. Did you go to Mr. Eggers and Mr. Stumbaugh and tell them anything about it?—A. No, sir.

Q. Did you go to any man you knew was interested in carrying forward that investigation and tell about that proposition?—A. No, sir; I did not go to any man on either side with any proposition.

Q. While you were so anxious to purify the politics of Kansas, clear up the atmosphere—you are doing all this good work to-day in the interest of honesty and purity—why did you not do it then?—A. I do not know that you have a right to charge that I am doing anything, Judge Webb. I do not want you to start out with the proposition that I want to do this or that. I do not want you to estimate me by photographing yourself. I want you to be gentlemanly, and courteous, and decent.

Q. You will answer my question. In a part of your stump speech, when I asked you why you were here doing this, you said you were doing it in the interest of honesty?—A. I did not use the word "honesty"; I said "common decency."

Q. In the interest of "common decency" why did you not go and tell this same story of corruption last winter when the Kansas house of representatives were trying to purify the politics of Kansas?—A. I did not believe they were trying to purify the politics of Kansas at that time.

Q. Did you think that the resolution ordering an investigation was a farce?—A. That the whole thing was a farce last winter, and I think this is a farce.

Q. You think that the Senate of the United States inaugurates a farce?—A. I do not think they believe it is a farce, but I think the people of Kansas believe generally that this is a farce.

Q. Then if you believe it to be a farce, why do you come here in the name of common decency trying to accomplish good out of it?—A. I am here simply because I am brought here.

Q. I know that.—A. I am placed on this stand because the strong arm of the law puts me here.

Q. I understand that; that is good authority for coming here.—A. Exactly; and after having been placed on the stand here, if I happen

to hurt somebody, or cut somebody's corns, it is not my lookout but theirs.

Q. When Mr. Pomeroy wanted to get you to aid him to buy up Martin, of Kingman, did you turn around and abuse the old man and tell him he should not try to corrupt the young man?—A. No, sir; you are laboring under a misapprehension, and making statements, assuming that I have said certain things which I have not said. I said Mr Pomeroy wanted me to be the go-between to carry the money. The bargain had been made prior to that time. I knew nothing about the bargain. He simply wanted to use me as a go-between to carry a "wad," as he expressed it.

Q. Did you say to him that a man of his years and experience should not try to corrupt an honest Kansas politician?—A. No, I did not.

Q. Did you feel your honor insulted by such a request from Senator Pomeroy?—A. No, sir; not at all.

Q. You have been in confidential relations or on friendly terms with him ever since?—A. No, sir; not very confidential terms since then. I was in friendly relations with the old man.

Q. And are still?—A. Personally, yes, sir.

Q. And this man Thomas, whom you knew to be dishonest, and whose removal you assisted in procuring, asked you to help put up a job to betray Ingalls?—A. Yes, sir.

Q. And to buy votes to that end beforehand?—A. Yes, sir.

Q. And to buy evidence, if necessary, or what purported to be evidence, afterwards?—A. Yes, sir.

Q. Did you turn around and kick Mr. Thomas for insulting you?—A. No, sir; I did not.

Q. Did you tell Mr. Thomas that you knew he was an infernal scoundrel, and should not talk to an honest man in that way?—A. No, sir.

Q. Did you turn around and say to Mr. Thomas that he was insulting you and your honor by any such proposition as you have detailed here?—A. No, sir.

Q. Not at all?—A. Not at all.

Q. Did you feel yourself insulted at any proposition made by Mr. Thomas to you?—A. No; I felt like this in relation to it. I thought if the man had a mind to stand there and make a fool of himself and give himself away, it was all right; it was not my fault. If you should come to me to-night and tell me you were going to cut somebody's throat, I would not feel insulted about it. I should think it was your own business.

Q. You would not inform the party whose throat was to be cut?—A. I would if he was a good friend.

Q. If he was not a good friend you would not?—A. I presume I would not.

Q. You were not friendly to Mr. Ingalls last winter. That was the reason you did not tell him this transaction then?—A. Repeat that question.

Q. You were not friendly to Mr. Ingalls's re-election last winter?—A. No, sir.

Q. And that is the reason, because you were not friendly to Ingalls, that you did not tell him of the dishonest proposal of Mr. Thomas to you?—A. Yes; that was the reason, because I was not friendly to him.

Q. And being friendly to him now, you come here to expose these things in his interest?—A. I have no more reason for being friendly to him now than I had then.

Q. Did you not believe last winter that Ingalls's friends were buying votes?—A. I heard so; it was common report.

Q. Did you not believe it?—A. Well, I believed it probably as much as I believed the reports that they were all buying votes.

Q. You say that from information which you received from Pomeroy, and from Thomas, and from Ballinger (who nipped out his commission and left Martin, of Kingman, still \$300) you have reason to believe there were votes being bought on that side?—A. Yes, sir.

Q. And you believed Ingalls's friends were buying votes just as much as you believed the opposition to Ingalls were buying votes?—A. Common report. I had no information in relation to that, but common report was such that I thought where there was so much smoke possibly there might be a little fire, though I had no direct knowledge.

Q. Did you have any conversation with Mr. Harry Anderson that you have spoken of?—A. Nothing, unless it may have been of a general nature.

Q. When Thomas asked you to go to him, did you go to him and talk with him?—A. I did not.

Q. You say that you heard several conversations between Pomeroy and Thomas and Dr. Hodge about the means to defeat Mr. Ingalls?—A. Yes, sir.

Q. Where did these conversations take place?—A. In Mr. Pomeroy's room.

Q. Was any one present besides Pomeroy, Thomas, Dr. Hodge, and yourself?—A. I cannot say in relation to that. I probably heard half-a-dozen different conversations between those parties; sometimes Hodge and Thomas were there, sometimes one of them was alone with Mr. Pomeroy and myself, and sometimes there were more or less others. It was a general topic of conversation when their friends were in the room that in any event John J. Ingalls must be defeated.

Q. What means were discussed to defeat Ingalls?—A. Well, money was talked of.

Q. Tell us what was said about money.—A. It was talked in this way, that whenever they found that money was being used upon the other side, if they could use money as a counteracting influence they were going to use it.

Q. Then where Ingalls's friends had, as they believed, bought a member up they would buy him back if they could?—A. That was the talk, that they would do it if they could.

Q. Was that the extent of the use of money?—A. No, sir.

Q. What other purpose?—A. After Mr. Horton was nominated the proposition was to buy any and all comers they could buy.

Q. Who was by named anybody?—A. I do not recollect of anybody being named, except that Captain Thomas named this man Baker to me, of Smith County.

Q. The member from your county?—A. The member from my county. He named him to me and he named him in this connection.

Q. You told all that before. Were you asked to see Baker and see whether he would sell out?—A. I was asked to see Baker.

Q. Did you see him?—A. I did not.

Q. He was a Greenbacker?—A. He was a Greenbacker.

Q. I thought you said you did not think he was a commercial man?—A. I do not think he was. Mr. Baker has consumption and was on the verge of the grave, and I did not think he could afford to sell his vote.

Q. If you had not regarded him as a man that would not sell out,

would you have approached him?—A. I do not think I would have approached him in that connection if I had known he would have sold for a dollar, for the simple reason that I would not approach any man at the suggestion of Capt. A. A. Thomas.

Q. You were associating with him here all the winter, were you not?—A. Yes, sir.

Q. Receiving his secrets?—A. Yes, sir.

Q. Counselling with him as to the means necessary to defeat Ingalls?—A. Yes, sir.

Q. And yet you would not approach anybody at his suggestion?—A. No, sir; he was doing all this talking about different people's votes.

Q. But he was talking to you about it?—A. Yes, sir; and I allowed him to talk it.

Q. Do you suppose he would talk to you about it if he supposed you would ever betray him?—A. I do not think he would. He would have been very foolish to if he thought that. It is not human nature.

Q. Now, sir; you told in your examination-in-chief of a conversation between yourself and Mr. Pomeroy after the Horton caucus, in which you sought Mr. Pomeroy to ask him how many votes Horton had received in the caucus?—A. Yes, sir.

Q. You say that he first told you they had enough to elect him and you told him that was "pretty thin," or something of that kind?—A. My answer was that he told me that they had 93 votes in the caucus pledged to Mr. Horton. My recollection is that 85 or 86 would elect. I told him that was too thin; I did not believe anything of the kind; he had got the number a little too high.

Q. You were on those friendly terms with ex-Senator Pomeroy, notwithstanding his years and his long service in public life, that you would say to him when he told you they had 93 votes for Horton, that that was "too thin"?—A. I would say it to anybody.

Q. You did say it to him?—A. I did say it to him; I would say that to Mr. Ingalls, or anybody else—that is, under the circumstances, believing, as I did, that he was prevaricating.

Q. Then you thought Pomeroy lied about it?—A. Yes, I thought it was one of those white lies that, possibly, politicians are justified sometimes in telling.

Q. He told you, after that remark of yours, that they had so many, naming them, I believe, and before daylight they would have enough?—A. He did not tell me the actual number they had. He said, "Be that as it may, by daylight we will have enough to insure the election of Judge Horton; there is no question about it."

Q. Did he tell you how those necessary votes were to be secured?—A. The intimation was that they were to be bought.

Q. Did he tell you so at that time?—A. I do not think he told me of any particular vote that was to be bought then.

Q. You say that he requested you to go to work?—A. Yes, sir.

Q. To do what?—A. Well, to go to work and work up an interest for Judge Horton; do anything that had been being done in the fight, and work the matter up.

Q. Did he make any corrupt proposition to you?—A. No, sir.

Q. He told you to go and talk with Captain Thomas?—A. Yes, sir.

Q. Did you go and talk to Captain Thomas?—A. Yes, sir.

Q. At Mr. Pomeroy's request and suggestion?—A. At Mr. Pomeroy's request and suggestion.

Q. How soon did you see Thomas after leaving Pomeroy?—A. I cannot tell; it might have been twenty minutes, or ten, or half an hour.

Q. What did you go to see Thomas about?—A. I wanted to know what he had to say about it, and see what he wanted.

Q. What did he say?—A. He told me to go down below. I do not recollect whether he named any parties he wanted I should bring to him or not (I will not be positive in relation to that), but he told me that the old man, as he called him, meaning Pomeroy—he very frequently used that expression in relation to Senator Pomeroy when he was not by him and talking to me—had put up the scabs, as he said, meaning money, and if I found any one, or if I knew of anybody that I thought could be approached and prevailed upon to vote for Mr. Horton, who had not been in that caucus, or if I found any one who had been in the caucus that needed bracing up, to bring them to him or send them to Mr. Purcell.

Q. Did you regard that as a corrupt proposition made to you?—A. To me?

Q. Yes, sir.—A. Well, indirectly the influence might have been corrupting.

Q. Then he wanted you to go down, and if you found any men who had been bought up on the Ingalls side who could be bought back again, to send such men either to him or to Mr. Purcell?—A. That was a part of my answer; yes, sir.

Q. Did he understand at that time, as you understood it, that you knew what members of the legislature had been brought up by the Ingalls party?—A. No, sir; I do not think he did.

Q. Did he understand that you would be very apt to know what members of the legislature would likely sell out to the Ingalls party?—A. I do not know what his understanding in that connection was.

Q. But you were sent on the errand of ascertaining what members had been bought to support Ingalls, and who would be likely to sell back again?—A. I was requested, as a general proposition, to look around and hunt up that kind of men, if possible.

Q. Did you regard that as a perfectly legitimate and honest business transaction?—A. No, I did not, and I straightway went off and went to bed instead of looking for anybody.

Q. You did not do that?—A. I did not.

Q. Not regarding it as legitimate and honest, why did you not go and tell somebody about it?—A. I am not that kind of a man myself. I kept my own counsel. Suppose I had come and told you of it; it would have been all over town before night.

Q. Do you know Mr. Purcell?—A. I think I know him by sight. I think I was introduced to him, and shook hands with him a day or two ago in this town.

Q. I understood you to say (and if I misunderstood you, it was not intentional) that Mr. Pomeroy told you he had loaned Judge Horton \$6,000?—A. Mr. Pomeroy told me, after the Senatorial fight had closed, the next morning, that the night the anti-Ingalls caucus agreed upon Judge Horton, after they had agreed upon him, he had loaned to Judge Horton \$6,000.

Q. Where were you when Mr. Pomeroy made that statement to you?—A. I was in Mr. Pomeroy's room. He was packing his trunk the morning after the Senatorial fight preparatory to going away, and he told it to me in connection with what he told me about "the boys," as he expressed himself, running after him to borrow money to get home with.

Q. You are certain that Mr. Pomeroy said he had loaned that much money to Judge Horton?—A. Yes, sir, positive.

Q. Who was by when he said that?—A. Mr. Pomeroy and myself.

Q. Nobody else?—A. I do not know of anybody else having been by; there might have been somebody in the other room. I do not know in relation to that.

Q. You say that Mr. Pomeroy at one time said to you, "I want you to go to Ingalls and get some of his money"?—A. Yes, sir.

Q. Where was it Pomeroy said that?—A. In his room. He made that request of me at least a dozen times.

Q. When?—A. Well, possibly every day. I will not say every day; I will not be particular in relation to that; but sometimes two or three times a day.

Q. When?—A. During the Senatorial fight; all the way through the fight. His proposition was for me to go to Senator Ingalls and profess great friendship for him, or use any means that my ingenuity might invent to procure some money from Senator Ingalls, to be used in buying votes; to put up a job on him; tell him a cock-and-bull story, how I could use money upon so and so. He elaborated the thing very finely, showing conclusively that he had had some experience in that business; and upon, I presume, a dozen different occasions he requested me and importuned me to go to Senator Ingalls and procure some money for that purpose.

Q. At that time Mr. Pomeroy had a good deal of confidence in you, had he not?—A. I think he had.

Q. He was proposing to you to go to Mr. Ingalls and pretend to be his friend?—A. Yes, sir.

Q. To lie to Mr. Ingalls, to give him assurances of your friendship and confidence when you were ready to betray him; that is what Pomeroy asked you to do?—A. Yes, Pomeroy asked me to do that.

Q. He wanted you to get Mr. Ingalls's money under the false pretence that you were his friend, when in fact you were his enemy?—A. Yes, sir.

Q. He wanted you to tell him any kind of a cock-and-bull story in order to deceive Mr. Ingalls; and after the money had been obtained from Ingalls under such circumstances, a job was to be put up on Mr. Ingalls to betray him and expose him?—A. Yes, sir.

Q. Mr. Pomeroy made you his full confidante in that, going into the details?—A. Yes, sir.

Q. Did you understand that that was a direct proposition of bribery and corruption on the part of Mr. Pomeroy?—A. Did I understand that it was?

Q. Yes, sir, at that time?—A. Well, personally, yes; a personal application to me.

Q. Your moral sense is not so obtuse but what you understood that in all its enormity?—A. I did.

Q. Did you go to Mr. Ingalls and tell him that Senator Pomeroy was not only trying to bribe and corrupt you, but ready to put up a job to defeat him?—A. No, I did not.

Q. Did you go to any person and make complaint of Mr. Pomeroy's corruption and dishonesty?—A. No, sir.

Q. The reputation of the Kansas legislature and of Kansas politics and politicians was something you were not trying to protect?—A. No, sir, I was not trying to protect the reputation of that legislature.

Q. The good name of Kansas was not something that you wished to preserve and protect at that time?—A. Well, I feel as lively an interest in the good name of Kansas probably as any other man. I did not consider that the good name of Kansas could be hurt by Senator Pomeroy.

Q. You said that you came down here at the commencement of the

session of the legislature with a view of having some friend of yours confirmed for some office?—A. Yes, sir.

Q. Who was that friend?—A. Thomas M. Helm.

Q. What was the office?—A. The office of register of the United States land office at Kerwin, Kans.

Q. Has he been nominated or confirmed?—A. He had been appointed to the position during the recess of Congress some four or five months prior to the meeting of the legislature here, but had not at that time been confirmed.

Q. Has he been since?—A. He has been confirmed since; he was confirmed while Mr. Ingalls was here during the Senatorial fight.

Q. Where did the conversation take place between you and Colonel Ballinger in which he said that he had nipped out a good commission from the money given to him to pay Martin, of Kingman?—A. I cannot locate the place as to whether it was in my room, in Mr. Pomeroy's room, or some other point. I cannot remember clear enough to locate the place.

Q. Did Colonel Ballinger tell you that, after nipping out his commission, he had paid Martin the \$300?—A. He told me that Martin got \$300 out of it.

Q. You say that Mr. Pomeroy told you that he had procured the services of Mr. Ballinger to act as a go-between between him and Martin?—A. Mr. Pomeroy told me when I came back; he apprehended that I had come upon the errand myself. I did not tell him whether I would or would not. I told him I would see him later in relation to it, when he asked me to do the errand when I came back. However, he said, "Charley, we won't want you for that business; we have procured the services of Ballinger; he has done the errand." Of course I knew just what it meant. At that time he did not mention Mr. Martin, but said, "Charley, we won't want your services; we have procured the services of Mr. Ballinger; he has done the errand." Shortly after that I met Mr. Ballinger. I could not say just what it was. I was prodding him a little, and he told me that he had nipped his commission out of the wad, as he expressed it. I asked him if he left the distinguished gentleman from Kingman County a decent amount, and he said that Martin got \$300 out of it.

Q. From that conversation you understood, did you not, that he himself had been bearer of the money and had delivered the \$300 to Martin?—A. I understood it in that way from what Mr. Pomeroy said and from what Mr. Ballinger said. I understood that he had been the go-between.

Q. Then you understood, of course, that the payment of money to Mr. Martin to influence his vote was a corrupt act and a violation of the law of this State?—A. Yes, sir.

Q. You did not make any complaint of Colonel Ballinger?—A. No, sir.

Q. You did not tell him that he was a scoundrel?—A. No, sir.

Q. That he was offering to corrupt a member of the legislature?—A. No, sir.

Q. And you did not tell anybody else so?—A. No, sir; I am not the watch-dog of Kansas. I have heard you use profane talk myself, but I never made a complaint against you at all, though you were amenable to the law for doing it.

Q. It is a mere slip of the tongue when I swear?—A. You want to get out the impression of a big watch-dog, a custodian of the people's interests.

Q. Your name is Charles, is it not?—A. Yes, sir.

Q. Your intimate friends call you "Charley?"—A. Yes, sir.

Q. Senator Pomeroy called you "Charley?"—A. Yes, sir.

By Senator BAILEY:

Q. You were in Senator Pomeroy's room the morning after the election and while he was packing his trunk to leave?—A. Yes, sir.

Q. You were in his back room, I understood you?—A. No, sir; this happened in his front room. The trunk had been pulled out. There were sliding doors between.

Q. What had you gone there for?—A. I do not recollect now. I simply called on the old gentleman and was sitting in a chair smoking a cigar.

Q. How long did you remain?—A. Probably twenty minutes.

Q. You had no business?—A. No business with him.

Q. No object in going?—A. No object in going more than to pay my respects to him before his departure.

JAMES F. LEGATE, a witness called by the respondent, re-called for further examination.

By Mr. EVEREST:

Question. Do you know Harry T. Anderson, the member of the legislature last winter from the county of Ellsworth?—Answer. I do.

Q. Had you any conversation with him in the joint convention shortly before the final ballot was cast in the convention?—A. I had.

Q. State what it was, using your own language?—A. Well, it would be rather hard for me to recall the exact language I used to him. I was pretty earnest. I was under the impression that he was so fixed that he intended to have a second edition of the York demonstration, and I was pretty earnest in my conversation with him. I cannot recall the language precisely that I used to him.

Q. State as near as you can the substance of the conversation between you and Mr. Anderson on that occasion?—A. As near as I can remember, I told him that I knew he was a gambler, and I had seen gamblers before, and I did not want him or anybody else, when playing with me, to draw a cold deck on me. That was about the expression I used to him. I knew how he was fixed, and I did not want any demonstration of the York description.

Q. Did you know at that time that he favored the election of Senator Ingalls?—A. Yes, sir.

Q. State what you meant, or what you intended, when you said to him that you did not want him to draw any cold deck on you.—A. I had been informed just prior to going to the house that Mr. Anderson had been paid \$500 for his vote, to vote for Mr. Horton. I had no confidence in the man, and I thought that he had taken the money for the sole purpose of making a York demonstration; and I mean by that that he intended to make an *exposé* in the legislature of having been purchased.

Q. State what conversation you had, if any, with Mr. Anderson afterwards relative to said \$500.—A. Some time after the election was over I said to him that it would be very wise for him to give up the \$500. He had said to me that he took the \$500 not intending to vote for Mr. Horton, but intending to vote for Mr. Ingalls, and I told him that it would be very wise for him to give up the \$500. He said he would give up the \$500 to me if I would receipt to him for it, or he would give it up to Mr. Purcell if Mr. Purcell would receipt to him for it. I told him

I was not authorized to receipt for it; I did not want to handle the money, did not want to see the money, and would not receipt for it, and I then urged him to give it to Mr. Baker from whom he received it directly. He said he would give it up, but he wanted a receipt for it. He seemed to hang on the idea of getting a receipt. He has said to me several times since that he would give up the money at any time that he could get a receipt for it.

Q. Did you know representative Wait, from Lincoln County?—A. I did.

Q. Did you know who his preference was for United States Senator up to the morning of the final ballot?—A. His personal preference had all the time been expressed to me as being for Governor Anthony. It was very hard to tell whether he was for Mr. Horton or for whom he was on the morning of the last ballot. I could not tell, for I had not seen him.

Q. Previous to the morning of the final ballot, and after it had been demonstrated that Governor Anthony would not be a candidate, did you know then who his preference was for?—A. I only knew, from his having been vouched for in the caucus held on the evening previous, that he would vote for Mr. Horton.

Q. Did you ever have any conversation with him previous to the Horton caucus as to whom his people preferred for United States Senator?—A. I did. I had no conversation with him, but he expressed himself to me several times on that subject. He said that his people were for Mr. Ingalls, but his own personal preferences were for Governor Anthony; that either the one or the other must be elected, and if Governor Anthony was not going to be elected he would vote for Mr. Ingalls.

Q. I understood you to say the other day when you were on the witness stand that you were here in the interest of Governor Anthony?—A. I was.

Q. Who was a townsman of yours, a resident of your city?—A. Yes, sir.

Q. State, if you know, how the rumors and stories were got up with reference to Senator Ingalls and his friends having money sent here from different places to be used in his interest? If you know anything with regard to that matter, please state it.—A. There were a great many rumors that were started. There was a great deal said about everybody using money and of the effect it would have upon the legislature; a great many rumors were started on a very small foundation, that this one and that one were coming with money to be used for Ingalls's election. "Holden was coming" gives a fair sample of it. Holden came up and came into the parlor, I think. He had something under his arm, whether newspapers, or business papers, or money, I did not know, and there did not anybody else know but Mr. Holden that I know of, and I met Mr. Pomeroy a few moments afterwards and I asked him if he knew Holden well. He said he knew him and knew the bank very well. I said to him, "He is up here, and he has a bundle of something, it may be money." We investigated the subject, and in about an hour there was a good wholesome rumor afloat that Holden had \$18,000!

Q. In the interest of Ingalls?—A. That he had come up to give it to Ingalls.

Q. Do you recollect a rumor that was set in circulation by those opposed to Senator Ingalls about money being sent here from Pittsburg?—A. Yes, sir.

Q. State how that was started?—A. Well, I do not remember exactly how that was started. That started from Mr. Pomeroy's headquarters, however. He pretended to know and made a public statement of the fact that some man had started from Washington with twenty-five or thirty thousand dollars, and failing to make connection at Pittsburg, had made a deposit of that sum in a bank at Pittsburg, and had telegraphed Mr. Ingalls that he could draw on that sum in Pittsburg. As all such rumors will in an exciting time, it became fact in about fifteen or twenty minutes.

Q. What other rumors were started by those opposed to Senator Ingalls?—A. Well, there was a rumor started that Hood had been down home and brought up \$35,000.

Q. Anything about Colonel Dawes of Saint Joseph?—A. Yes.

Q. State what that was?—A. That Dawes brought over \$30,000 of Jay Gould's money. I guess I could reckon up about \$200,000 that was brought here according to rumor.

Q. State where those rumors originated, if you know, and what the purpose of them was?—A. I cannot tell you where they all originated. They originated from among all the men who were opposed to Mr. Ingalls; and the purpose of the rumors was to affect a class of men who were in the legislature who were to be affected by such rumors, if they could be made to believe them—men like old Senator Bradbury, who, after he had gotten through with Ben. Simpson, wanted to vote for Mr. Ingalls, and so expressed himself. But he was a very honest old gentleman, and these rumors would be very apt to affect him.

Cross-examined by Mr. WEBB :

Q. Are you able to tell just how the rumors in regard to Holden, Hood, Dawes, and others originated?—A. I have so expressed myself.

Q. You saw Holden when he came here, and he had some packages or parcels under his arm?—A. No; I said he had a package or a bundle under his arm.

Q. And you went to Pomeroy and asked him what his business was?—A. No; I did not.

Q. What did you ask Pomeroy?—A. Just what I said.

Q. Repeat it.—A. I asked Mr. Pomeroy if he knew Holden. He said he did. I asked him if he supposed he was up here to help Ingalls, and he said he did not know. I told him he had a package under his arm, going around, and I thought was looking around for Ingalls's room, and it might be money.

Q. Did you know that Holden was looking for Ingalls's room?—A. No, sir.

Q. Then, because he had that bundle under his arm, and might have been looking for Ingalls's room, you suggested the matter to Pomeroy?—A. Well, you put language into my mouth.

Q. No; I am asking if that is not the fact?—A. No; that is not the fact.

Q. How came you to go to Pomeroy and make any inquiry about Holden?—A. For the sole purpose of doing a thing that you have done a thousand times.

Q. Never mind what I have done; state what you did.—A. I am going to. I was only likening what I have done to what you have done, to get a man on a wrong scent, to get up a rumor. I really wanted a rumor got up that Ingalls was spending money.

Q. And in order to get men on a wrong scent you went to Mr. Pomeroy. You knew Mr. Pomeroy was opposed to Ingalls?—A. Yes, sir.

Q. You were opposed to Ingalls?—A. I was.

Q. Did you say that you originated the story in regard to Horton's bringing money here, or laid the foundation for that rumor?—A. I leave that for your inference; I have told you the exact facts.

Q. You at that time were supporting Anthony?—A. I was.

Q. Desiring Anthony's election?—A. I was.

Q. And you wanted a false rumor to be spread to influence men like Senator Bradbury, with a view of injuring Ingalls?—A. I did, sir.

Q. Did you hear who it was that started from Washington with any money?—A. Charley Morris.

Q. Were you told the amount of money that he started from Washington with?—A. It was some twenty-five or thirty thousand dollars.

Q. Who told you that Charley Morris started with money?—A. I cannot recall now who it was.

Q. Is he the man you know as Charles A. Morris?—A. Yes, sir.

Q. You cannot tell who told you. Was not the amount \$10,000 instead of twenty-five or thirty thousand dollars?—A. No, sir.

Q. Is not this the story that was told: that Mr. Morris left Washington with \$10,000 to bring to Topeka, but finding that he could not get here in time, he stopped in Pittsburg, deposited it there and notified Senator Ingalls or his friends by telegraph, and that the money was afterwards sent by telegraph to Kansas City? Is not that the rumor as you heard it?—A. No, sir.

Q. Who started that rumor?—A. I cannot tell you precisely. The first time I heard that was in Pomeroy's room.

Q. Did you start it?—A. No, sir.

Q. Do you know whether or not it is a fact that Morris started from Washington with money?—A. I certainly do not.

Q. And you do not know that it is not a fact?—A. I do not.

Q. And you do not know as a matter of fact that Holden did not bring any money up here?—A. I do not, only by what he said under oath. That is the only light I have on the subject.

Q. Now in regard to Hood, you say there was a rumor that Hood brought up here some \$35,000?—A. Yes, sir.

Q. Who started that rumor?—A. I cannot tell you.

Q. Did you start it?—A. No, sir; because I did not know the party. The first I heard of that was, I was up at Mr. Pomeroy's room one night and he told me that he had got Hood where he could hold him. I asked him how, and he said that Hood had sent up a telegram to Plumb that would hold him, that he had just been down and got \$35,000 and that he should not spend a cent of it.

Q. Do you know as a fact that Hood had sent a telegram to Plumb?—A. I do not know anything of it as a fact.

Q. You do not know whether he had or not?—A. I do not.

Q. Do you know as a fact whether he brought any money here or not?—A. I do not.

Q. Now, in regard to Dawes, who started the rumor about him?—A. I do not know. Perhaps I may have been responsible for that as much as anybody. Mr. Dawes was over here, and he was a pretty earnest worker.

Q. For whom?—A. For Mr. Ingalls, or seemed to be, and I wanted to do something that would rather weaken his powers, and perhaps I may have asserted it as a fact that Jay Gould had sent him here to help Mr. Ingalls through, for something that Ingalls was to do for Gould in the Senate, and in asserting it as a fact it was among those assertions that are made under those circumstances for its effect.

Q. You made up stories of that kind?—A. I may have.

Q. Then you remember whether you did or not?—A. I remember to have made such an assertion. Whether that was the origin of the rumor of his coming over here with \$30,000 or not I do not know.

Q. Do you know Dawes?—A. I do.

Q. How long have you known him?—A. I have known him five or six years, perhaps more, perhaps not quite as long.

Q. Where does he reside?—A. At Saint Joseph, Mo.

Q. In what county is that?—A. My geography is bad. I do not remember.

Q. Buchanan County, is it not?—A. If you know you can tell me. I do not recall it.

Q. I do not know, but I think it is that. I thought you would know. A man of your general information ought to know that.—A. Well, I do not know half as much as you think you do.

Q. What is Dawes's business?—A. He is the passenger agent of the railroads running from Kansas City to Council Bluffs.

Q. Do you not know that he belonged to what was called the Saint Joseph whisky ring?—A. I do not know.

Q. Do you not know that he was one of the persons indicted in the United States court in that district of Missouri?—A. He may have been; I do not know that he was. I think he was not indicted himself, though he may have been. He was interested for Wilkinson, to get Wilkinson out, and he may have been indicted, but I do not know it.

Q. Do you not know that in the arrangement that was made Senator Ingalls used his influence to have the proceedings against Dawes discontinued?—A. I do not.

Q. Do you not know that Dawes was a railroad man?—A. I have said that he was the passenger agent of a railroad company.

Q. Is it not a fact in your knowledge, from his own statement to you, that he brought over here \$10,000 that had been raised by that whisky ring to assist Ingalls in his re-election, to pay him for services he had rendered in behalf of that whisky ring?—A. Ask that over again.

Q. O, it is too long.—A. I think so, too. Then I will answer it shortly. No, sir; I do not know any such thing.

Q. Is Mr. Dawes a man of any considerable influence as a citizen in Missouri or anywhere else?—A. I have not measured his influence, and cannot tell.

Q. Do you know whether Mr. Dawes has a large acquaintance in this State?—A. He has quite an extensive acquaintance in this State.

Q. Among such men as usually get into the Kansas legislature so as to be influential with such men?—A. He has quite an extensive acquaintance in the State, resulting from his being in the State a great deal, probably in the interest of his road, and would be very apt to know very many men who would be in the legislature.

Q. You say that, just before you went up to the capitol on the morning before the final vote was taken for Senator, you had been informed that Anderson had received \$500 to vote for Horton?—A. Yes, sir.

Q. Who told you that?—A. I think it was Mr. Cavanaugh told me that.

Q. Thomas H. Cavanaugh?—A. I think it was Mr. Cavanaugh. I am not positive. It might have been Mr. James F. McDowell.

Q. Was it the one or the other?—A. I think it was the one or the other.

Q. Where were you when you received that information?—A. I was in the hall; I was somewhere between the foot of the stairs that go up

into the second story out of the office—somewhere between the foot of those stairs and going from there out through to the front door.

Q. Did your informant tell you who paid the money to Anderson?—A. No, sir; I learned that subsequently.

Q. Referring to the conversation between Anderson and yourself, while the joint convention was in session, you state that you told him or think you told him that he was a gambler?—A. I think I made use of that expression.

Q. Is he a gambler to your knowledge?—A. I never gambled with him, nor did I ever see him gamble.

Q. You knew that he had the reputation of being a gambler?—A. I knew that he had the reputation of being a gambler to some extent.

Q. I understood you to say that you knew that he was fixed. If you did not say that, tell me what you did say in that regard?—A. I do not remember the expression. I do not now recall the expression that I made.

Q. You say you had been told that he had received \$500 to vote for Horton?—A. Yes, sir.

Q. Had you not been previously told that he had received money to vote for Ingalls?—A. No, sir.

Q. Was it not understood that he was one of the Ingalls men who was working for the purpose of getting votes for Ingalls by the use of money?—A. No, sir.

Q. There were such men, were there not?—A. I do not know that there were.

Q. Do you remember, immediately on the adjournment of the session after Ingalls's election, coming down from the capitol in company with J. K. Hudson, of this city?—A. No, sir; I do not.

Q. Did you not walk down from the capitol, or most of the way, in company with Mr. Hudson?—A. I do not think I did. I have no remembrance of it.

Q. Is it not the fact that at that time you were lame?—A. It is a fact that I was lame at that time, as I am still lame.

Q. Did you not walk down from the capitol, and about the time you left the capitol park put your hand on Hudson's shoulder, or your arm in his, and walk with him out to Kansas avenue, and then down Kansas avenue to the Tefft House?—A. My impression to-day is that I rode down in a hack that evening.

Q. Did you not, on that particular occasion, have a conversation with Mr. Hudson, in which reference was made to the means by which Ingalls had been elected, in which he asked you if the election was not as flagrant as it was at the time Caldwell was elected, and did you not reply in substance that it was a great deal worse, that you yourself had seen money passed upon the floor of the house?—A. No, sir; I never had any such conversation with Mr. Hudson or Mr. anybody else. Prior to the election I may have made use of such an expression, barring the remark that I had seen money used on the floor of the house; but after the election I made no such expression to Mr. Hudson or to Mr. anybody else.

Q. Nor anything of the character that I have mentioned?—A. Nor anything of that kind after the election.

Q. I have reference only to one conversation, and that was between yourself and J. K. Hudson?—A. I do not know anything about any conversation I ever had with Mr. Hudson. I may have had a conversation with Mr. Hudson, and presume I had prior to the election.

Q. I do not ask about that.—A. I say I presume I had, but not after the election. On that day I came down from the capitol with my wife

and daughter. After the election of Mr. Ingalls I came down with my wife and daughter from the hall and rode down to the hotel.

Q. You are acquainted with Mr. Hudson?—A. I am.

By Senator VANCE:

Q. When you testified in respect to a conversation between you and Mr. Anderson, about returning the money, you said that Mr. Anderson offered to return it if they would give him a receipt?—A. Yes, sir.

Q. You said you were not authorized to receipt for it?—A. Yes, sir.

Q. Did Mr. Purcell ever request you to get back that money?—A. Yes, sir.

Q. But did not authorize you to receipt for it in writing?—A. He did not. I met Mr. Purcell immediately on coming down from the capitol. I came down in a carriage with my wife and daughter. I rode around to the side door of the hotel. I met Mr. Purcell at the door, and he said to me "Where is Anderson?" I said, "I don't know." He asked me to watch him if I could, and not let him get out of town. He left me. I came up into the parlor later in the day, and he stated to me that Anderson had said to him that he failed to vote for Mr. Horton because I talked so insulting to him in the house. I replied to him that I did talk very insulting to him; I was strongly of the impression that he had gotten hold of this money for the purpose of making an *exposé*, and I did not intend to have a scene similar to the one when Pomeroy was defeated re-enacted, and I used very harsh language to him. Purcell said to me that I better than anybody else could get that money back for him; that he had given Baker \$700; that Baker gave Anderson \$500, and was to have given him two hundred more, and he said, "Baker is on the watch for him, and I wish you would get it back for me." Some time afterwards I saw Mr. Anderson.

By Senator BAILEY:

Q. Do you mean the same day?—A. Not the same day, but some days afterwards I saw Mr. Anderson, and I told him that the thing was all over, and he had better give that money up. He said he would if I would receipt for it. I told him I was not authorized to receipt for it. He said then he would give it to Mr. Purcell if Mr. Purcell would receipt for it.

By Senator VANCE:

Q. Did he give any reason for wanting a receipt?—A. No, sir; he did not give any reason.

PHILIP T. PENDLETON, a witness called by the respondent, sworn and examined:

By Mr. EVEREST:

Question. Where do you reside?—Answer. In Ellsworth, Ellsworth County, Kansas.

Q. Who represented that county in the last legislature?—A. H. T. Anderson.

Q. Do you know whom Mr. Anderson was elected to support for the United States Senate?—A. I do not know that he was elected particularly to support any one, but it was universally known that he was for Ingalls.

Q. In his county?—A. Yes, sir; and had expressed himself so, and we voted for him as against the regular nominee of the Republican party.

Q. Who was his opponent?—A. D. B. Erwin.

Q. Whom was he for?—A. George T. Anthony.

Q. Was the matter of preference for United States Senator one of the issues in that canvass?—A. I cannot say that it was an issue, but we all knew as a matter of fact that Harry Anderson was for Ingalls.

Q. Did he so express himself both before and after his election?—A. Yes, sir.

Q. Do you know Representative Wait from Lincoln County?—A. I do.

Q. Were you present when he testified?—A. I was part of the time, I believe, not all.

Q. That is the Mr. Wait you know?—A. Yes, sir; Walter S. Wait of Lincoln County.

Q. Did you know what the wishes of the people of his district were with reference to the election of United States Senator?—A. Only from what I have heard a portion of the people of the county say.

Q. How near is your residence to Mr. Wait?—A. I think it is twenty-five miles from our town to his.

Q. Your county adjoins Lincoln County?—A. Yes, sir.

Q. Are you frequently in and through Lincoln County in your business?—A. Yes, sir.

Q. So much that you knew what the wishes of the people there were to a great extent?—A. Yes, sir. Another thing: their people deal in our town nearly altogether.

Q. What do you say the wishes of the people of that county were, or of a majority of them?—A. All I have ever heard speak of it understood when Mr. Wait was elected that he would support John J. Ingalls. That was the wish of the parties I heard speak about it.

Q. Did you ever have any talk with Mr. Wait in regard thereto?—A. I spoke to Mr. Wait, I think, either in December or January in our town.

Q. After his election?—A. Yes, sir.

Q. Did he express to you what his views were upon that question?—A. My recollection is that I spoke to Mr. Wait in the Grand Central Hotel, one day he was there, jokingly. I asked him who he was going to support for Senator. He said he presumed he would follow the voice of his people.

Q. Do you know what the feeling of the people of his district was after he came here and voted against Mr. Ingalls and returned home?—A. They were very indignant.

Q. For what reason were they indignant towards Mr. Wait?—A. They understood, as I was informed, that he was elected for the purpose of supporting Ingalls, and he had entirely gone back upon him.

Q. Did you understand that that feeling against Mr. Wait was by reason of his voting against Mr. Ingalls?—A. Yes, sir.

Q. Was the feeling universal or nearly so?—A. Nearly every one that I heard speak of it spoke in that way.

Q. Is it not a fact that the people of his district threatened to burn him in effigy because of his action?—A. It is a fact, as I have been informed.

Q. State fully what the conversation was that you had with Mr. Wait after his election and where it took place.—A. It was in the office of the Grand Central Hotel. I merely jokingly spoke to Mr. Wait and asked him how he was going to vote for United States Senator. He said he presumed he would follow the choice of his people. Said I, "How is that?" and he said he would vote for Ingalls.

Q. Where was this?—A. In Ellsworth, Ellsworth County, Kansas.

Q. In December, 1878?—A. I cannot say whether it was in December or January. It was prior to his coming down to the legislature; it was after his election.

Cross examined by Mr. WEBB:

Q. Who told you the people of Lincoln County were going to burn Wait in effigy?—A. I think it was Mr. Mason, Jim Dobson, A. Doolittle, and others there; I cannot remember all now.

Q. Mason, Dobson, and Doolittle?—A. I will not be positive as to each and every one of those, but it has been spoken of generally in our town there by the people of Lincoln County.

Q. You heard it in your town?—A. Yes, sir.

Q. You did not hear it over in Lincoln County?—A. No, sir.

Q. You never heard that they did burn him in effigy?—A. No, sir; I do not think they did.

Q. You never heard that there was an attempt to do it?—A. They were speaking of it and thought very seriously of it. So I was informed by parties that I heard speak of it.

Q. How many persons told you?—A. It will be impossible for me to tell you. I have heard it repeatedly there in our town from people from Lincoln County—not from our own people, but the people from Lincoln County.

Q. You say that after the election there was considerable dissatisfaction and indignation among the people of Lincoln County with respect to Mr. Wait's vote?—A. So I have been informed. I do not know it of my own knowledge.

Q. Who told you so?—A. Some of these parties that I have mentioned, or others.

Q. They told you that they talked of burning him in effigy and told you about the indignation?—A. Yes, sir.

Q. Any other parties?—A. I cannot say.

Q. Did you ever go around among the people of Lincoln County yourself and talk with them on the subject to ascertain what their feeling is?—A. I never did.

Q. Have you ever been much through that county since the adjournment of the legislature?—A. I have been in that county twice since the adjournment of the legislature.

Q. In what portion of it?—A. In the western portion of the county and also in what we call there the Elkhorn district.

Q. You went there on your professional business, did you not?—A. Yes, sir.

Q. You are a practicing attorney?—A. Yes, sir.

Q. You just went through there on some professional business?—A. Yes, sir.

Q. And then back home again?—A. I generally stay a day or two when I go over there.

The CHAIRMAN. I am directed by the committee to announce to the gentlemen of counsel on both sides that præcipes for all the witnesses that are expected to be examined by this committee must be filed in the course of this day, and after to-day we shall summon no more new witnesses.

The committee took a recess until 2 o'clock p. m., and resumed its session at that hour.

HENRY TISDALE, a witness called by the memorialists, sworn and examined.

By Mr. WEBB :

Question. Where do you reside ?—A. At Lawrence, in this State.

Q. How long have you resided in Kansas ?—A. About twenty-three years.

Q. Are you a mail contractor ?—A. I am.

Q. And have been for a good many years ?—A. Quite a number of years.

Q. A large contractor for carrying the mails ?—A. Not so very extensive; not as much so as some, but I have a number of routes.

Q. You have stage routes over which you have carried the United States mail in this State for many years ?—A. Yes, sir.

Q. Were you at Topeka at any time during last January ?—A. I was at Topeka the day of Mr Ingalls's election.

Q. Did you come here on that day or the day before ?—A. I came here the evening of the day before.

Q. Thursday evening ?—A. It was Friday that he was elected. I came the evening before the election.

Q. How long did you remain here ?—A. I left here the afternoon after the election.

Q. The day of the election ?—A. Yes, sir.

Q. Did you see Mr. Ingalls while you were here ?—A. I did.

Q. Did you see James S. Merritt ?—A. If I did I do not know the man.

Q. Do you know Joseph C. Wilson ?—A. I do not.

Q. Did you see George R. Peck ?—A. I did.

Q. Do you know Mr. Calvin Hood, of Emporia ?—A. I do not know the man.

Q. Do you know David Auld, of Atchison ?—A. Yes, sir.

Q. Did you see him here ?—A. Yes, sir.

Q. Where did you see Mr. Auld ?—A. At the Tefft House.

Q. Whereabouts in the Tefft House ?—A. I saw him in front of the door.

Q. Did you see him in any room ?—A. I do not think I did. I have no remembrance of it.

Q. What was your business here; what brought you here ?—A. I was here to see Mr. Parker, my partner—J. W. Parker, of Atchison.

Q. Was Mr. Parker here ?—A. Yes, sir.

Q. Where did he reside ?—A. He lives at Atchison.

Q. Do you know when he came here ?—A. A day or two before he wrote me that he was going to be here, and I came here to see him. I could not say just the day he came here.

Q. Did you see Mr. Parker and Mr. Auld together at any time ?—A. I think they were together in front of the Tefft House.

Q. Did you see them go into any room in the Tefft House ?—A. No, sir; I think we all three were there talking together.

Q. State whether you alone or yourself and Mr. Parker together contributed or agreed to contribute any moneys to advance the election of Mr. Ingalls ?—A. I did not.

Q. Do you know whether Mr. Parker did or not ?—A. No, sir; I do not know anything of the kind.

Q. Did you not pay or agree to pay, while you were here, some \$6,000 toward securing the election of Mr. Ingalls ?—A. I did not.

Q. Any sum of money, while you were here, for that purpose ?—A. Not one cent to any man.

Q. Did you agree to buy any man ?—A. No, sir.

Q. Did you draw on any man or bank for that purpose in your own name when you were in Topeka?—A. No, sir.

Q. Do you know whether Mr. Parker did or not?—A. He did not to my knowledge.

Q. Are you acquainted with Mr. Leonard T. Smith, of Leavenworth?—A. Yes, sir.

Q. Have you had any conversation with Mr. Leonard T. Smith since the Senatorial election in January last?—A. I do not remember meeting Mr. Smith but once since the Senatorial election, and that was on the Hannibal and Saint Joseph Railroad, in a sleeping-car.

Q. Did you have any conversation with him at that time about Senator Ingalls or the election?—A. I do not think we had. I have no remembrance of it.

Q. Whether that was the place and that the time, or whether it was at any other time or place, I ask you if you did not tell Mr. Leonard T. Smith that you paid or contributed between six and seven thousand dollars toward the election of Mr. Ingalls, and said they called on you for more and you had told them you would not pay any more?—A. I never told Mr. Smith or any other man anything of the kind.

Cross-examined by Mr. EVEREST:

Q. You and Mr. Parker are partners in business together?—A. Yes, sir.

Q. You came here to meet him on your partnership business?—A. Yes, sir.

Q. You had frequently met him here before on your business, had you not?—A. I had met him here a number of times.

Q. And in other parts of the State?—A. Yes, sir.

Re-examined by Mr. WEBB:

Q. You reside at Lawrence?—A. Yes, sir.

Q. Mr. Parker resides at Atchison?—A. Yes, sir.

Q. There is railroad and telegraph communication between those two points direct without coming to Topeka, is there not?—A. Yes, sir.

Q. You came here to see him upon business connected with your mail contracts?—A. Yes, sir.

Q. Just the evening before the Senatorial election?—A. Yes, sir.

Q. Did you have any mail-routes centering here at Topeka?—A. No, sir.

Q. None running through Topeka?—A. No, sir.

Mr. EVEREST. I beg to inform the committee that since noon we have been trying to get Mr. Purcell here. He has been in town, we are informed, and in consultation with counsel for the memorialists.

The CHAIRMAN. Do you assert that as a fact, that he has been in consultation with the counsel for the memorialists?

Mr. EVEREST. I cannot say that I know it personally, but I am so informed.

The CHAIRMAN. I should like to have a witness produced to show that Purcell is in town and absents himself from the court-room.

Mr. EVEREST. I understand there is one gentleman here who has seen Mr. Purcell. He can be sworn and the chairman can ask such questions as he deems proper.

CHARLES COLLINS sworn and examined.

By Senator BAILEY:

Question. Do you know E. B. Purcell?—Answer. I do.

Q. Is he here in the city of Topeka?—A. I do not know whether he is in the city now or not.

Q. When did you see him in the city?—A. Either yesterday or the day before; I will not be positive which of the two days.

Q. You do not know whether he is now in the city?—A. I do not.

Q. Where was he when you saw him?—A. He was at Poppindick's talking with some of these gentlemen here.

Q. Some of what gentlemen?—A. The attorneys here.

Q. Which of them?—A. I think I saw him talking with Mr. Riggs, and I would not be positive whether I saw him talking with Mr. Webb or not.

Q. Have you seen him to-day?—A. No, sir.

Q. Do you know whether he is in town now?—A. I do not.

Q. You know his person when you see him?—A. I know him very well.

Q. If he is in town now can you find him?—A. I do not know; I have looked for him.

By Mr. FENLON:

Q. Where does Mr. Purcell live?—A. At Manhattan.

Mr. EVEREST. Mr. Hallowell is here. Perhaps I ought to say that when I remarked that I understood Purcell had been talking with counsel on the other side I did not mean to say that I knew it, but it came to me as a matter of information, and I informed the committee what my knowledge was. Colonel Hallowell, I understand, saw him yesterday after twelve o'clock.

Senator BAILEY. The committee wishes to examine Mr. Purcell.

The CHAIRMAN. The committee is informed by the sergeant-at-arms that Mr. Purcell reported on the 25th of September and was excused by counsel on that date.

Mr. WEBB. By counsel on which side?

Mr. EVEREST. By the respondent's counsel.

The CHAIRMAN. Another subpoena will be issued for him, and Mr. Collins will be deputized to find him as he seems to know him.

Mr. RIGGS. Mr. Chairman, inasmuch as reference has been made to counsel on this side, I desire to say for myself that I saw Mr. Purcell's name registered on the register of the Poppendick Hotel day before yesterday, and I saw him on that day and had a little conversation with him in the office of the hotel. I have not seen him since. I supposed at that time that he was here by the request of the counsel on the other side. I did not ask him anything about it.

Mr. WEBB. I want to say for myself that I never saw the man in my life.

The CHAIRMAN. It appears that he was excused by counsel, and the question now is whether counsel have requested him to come back again.

Mr. PECK. We have not. We supposed he was here of his own accord.

The CHAIRMAN. The witness is not in contempt if he has been excused by counsel and has not been asked by them to appear again.

Senator BAILEY. The committee wish his presence, and he must be either telegraphed for or subpoenaed at once.

WILLIAM S. GREENLEE, a witness called by the memorialists, sworn and examined.

By Mr. WEBB:

Question. You reside in the city of Atchison?—Answer. Yes, sir.

Q. And have for many years?—A. I have been there three years.

Q. You are an attorney-at-law?—A. Yes, sir.

Q. Are you personally acquainted with John M. Price?—A. I am.

Q. How long have you known him?—A. Three years.

Q. Had you any conversation with Mr. Price last December in which any reference was made by him to the postmastership at Atchison, and to his position as representative in the Kansas legislature?—A. I had a conversation with Mr. Price in the early part of December, in which he told me that he had been tendered the post-office at Atchison.

Q. By whom?—A. By Mr. Ingalls.

Q. What else?—A. And in that conversation I got the impression, either from his words or his manner of conversation, that he would not accept the post-office and resign his position as member of the legislature.

Q. Did he say to you at that time that Mr. Ingalls had sent for him?—A. Yes, sir; he did.

Q. Was Mr. Ingalls in the city at that time?—A. I think not at the time this conversation occurred.

Q. Was this before or after the death of Mr. Gale?—A. It was the death of Mr. Gale.

Q. State whether or not you know as a matter of public history that it was before or after Mr. Price's name was sent in by the President to the Senate of the United States as postmaster?—A. It was before his name was sent in to the Senate.

Q. And he said to you that Mr. Ingalls had sent for him?—A. Yes, sir.

Q. To go where?—A. To go to his house.

Q. Whose house?—A. Mr. Ingalls's house.

Q. In the city of Atchison?—A. Yes, sir.

Q. He told you Mr. Ingalls had tendered him the post-office in Atchison?—A. Yes, sir.

Q. Did he tell you for what purpose or in consideration of what, if anything?—A. He did not.

Q. But he said, or you understood him to say, that he would not resign his seat in the legislature and take the post-office?—A. I think his language was about this: That he had been elected to go to the legislature and was going to be there or thereabouts. I think that was about the language he used.

Q. Did he tell you that he had told Senator Ingalls that?—A. I cannot remember whether he said he had told Senator Ingalls that or not.

Q. Did he state that he had told Senator Ingalls that he would not resign his seat in the legislature?—A. I cannot be positive about that.

Q. You say you know Mr. Price personally. Do you know what his personal feelings were with respect to the Senatorship?—A. I only know from his statements, and I know this: I know that I was present at the convention that nominated Mr. Price, and that convention instructed him to vote for Mr. Ingalls.

Q. Do you know who his opponent was?—A. Yes, sir. Mr. King was his opponent for the nomination.

Q. Was it not known that Mr. King was the warm political and personal friend of Senator Ingalls?—A. It was understood, I believe, in that district. It was not the district I live in, but I was at the convention; it was understood in the district that Mr. King was Mr. Ingalls's candidate for the nomination.

Q. And that Mr. Price was the anti-Ingalls candidate?—A. I cannot say about that. Mr. Price prior to the nomination said to me, and I heard him say to others, I think, that Mr. Ingalls need not be afraid of

him; that he was an Atchison man and would support an Atchison man for the Senate.

Q. But you did not hear him say that he would support Ingalls?—A. Not prior to the nomination. He pledged himself at that convention to vote for Mr. Ingalls.

Q. I asked you, but I believe I did not get the answer fully, do you know whether John M. Price was not personally opposed to Senator Ingalls?—A. I think that John M. Price and Senator Ingalls were not personal friends; but that is only an impression; I do not know it positively.

No cross-examination.

BYRON ROBERTS, a witness called by the respondent, recalled for further examination.

By Mr. EVEREST:

Question. What is your business?—Answer. Banker.

Q. Do you hold any office in connection with any bank in this city, and, if so, what bank is it and what official position do you hold?—A. Yes, sir; I am connected with the Topeka Bank.

Q. Were you cashier of that bank in December, 1878, and January, 1879?—A. I was assistant cashier in December, and I think on the 13th was elected cashier.

Q. Do you know one E. B. Purcell of Manhattan in this State?—A. I do.

Q. State what moneys, if any, were received by E. B. Purcell in the city of Topeka, from the bank of which you are cashier, on or about the 25th day of January, 1879?—A. On the 25th of January he received \$5,000 in currency from me.

Q. State to the committee in what kind of packages it was paid to him?—A. It was put up in \$500 packages.

Q. Who delivered the \$5,000 in currency to Mr. Purcell?—A. I did myself.

Q. Personally?—A. Yes, sir.

Q. Was each \$500 package done up by itself?—A. It was.

Q. State what was around the packages, if anything?—A. There was a piece of paper around each package of \$500 each, and probably a larger paper around the \$5,000, though that I do not remember distinctly.

Q. Did you see the \$500 package of money that was presented by H. T. Anderson to the legislative investigating committee when he gave his testimony?—A. I saw the \$500 package that he said was handed to him and the one that he is said to have presented to that committee.

Q. Did you see the band that surrounded that package of money?—A. Yes, sir.

Q. (Exhibiting the band produced by H. T. Anderson.) Is that the band?—A. (Examining.) I think it is.

Q. State if you know of any particular person or persons or parties doing business in the city of Topeka who use that kind of band in their business with your bank?—A. The treasurer of the Atchison, Topeka and Santa Fé road uses a band that is printed with "\$500" or marks similar to this, and which I think is like this.

Q. Do they deposit in your bank?—A. They do.

Q. Do you pay out the money that is deposited by them to customers in your bank?—A. We do.

Q. Can you state whether any of the \$500 packages delivered to Mr. E. B. Purcell had that band or a similar one on?—A. I cannot.

Q. Did he state the purpose for which he received said currency?—A. He said he was going to send it home.

Q. How?—A. By express.

Q. Where is his home?—A. Manhattan.

Q. Did you make inquiries immediately thereafter to ascertain whether he had sent any such amount of currency by express?—A. I did the following day or the day after that.

Q. Did you inquire at the express office in the city of Topeka for that purpose?—A. I did.

Q. What were you told?—A. That he had not sent any.

Q. Was Mr. Purcell here at the Senatorial contest?—A. He was.

Q. Was he taking an active part in that contest?—A. I think he was.

Q. Was he for or against Senator Ingalls?—A. He was against him.

Cross-examined by Mr. WEBB:

Q. You say you applied to the express office to find out whether Mr. Purcell had sent the money by express?—A. I did.

Q. How came you to do that?—A. Because I was interested in Mr. Ingalls and considered it a very suspicious circumstance.

Q. So you as cashier of the bank went to the express office to see whether Mr. Purcell sent a package of \$5,000 to his bank by express?—A. I have so stated.

Q. When did you make that inquiry?—A. The day following his getting the money, or the day after that.

Q. What is the distance from here to Manhattan?—A. I do not know.

Q. Is it not about sixty miles?—A. I do not know but it is, and I do not know but it is more.

Q. You know that Manhattan is on the Kansas Pacific Railroad, do you not?—A. I do.

Q. Could not Mr. Purcell have sent every day and on every train from here to Manhattan \$5,000 of money by a perfectly responsible person, if he had chosen?—A. I think hardly every day in the year.

Q. Every day during the last two weeks of January?—A. That I do not know.

Q. Do you not know that there were scores if not hundreds of persons here at that time that were not usually here at that season of the year?—A. Yes, sir; but I do not think they were all from Manhattan, and could carry money up there for his benefit.

Q. You say that the package you handed Mr. Purcell was one package of \$5,000?—A. The amount I paid him was \$5,000.

Q. In one package?—A. It was done up in \$500 each package; that is, \$500 in a package by itself, with a strap around it like this or some other kind; I do not know that this one was there at all. That might have been or might not have been tied up by itself.

Q. What do you mean by "it"?—A. The \$5,000. When we place our money in the vault we put it up in \$5,000 packages; that is, \$5,000 is put up in \$500 packages. I might have handed him ten packages of \$500 each, or might have handed him \$5,000 in one package, but it would have been strapped up in separate packages of \$500 each.

Q. Is he a depositor in your bank?—A. He is.

Q. Did he give you a check when he took the \$5,000?—A. He did.

Q. Do your books show that check?—A. Our books show that he was charged with that check, \$5,000.

Q. Will your books show distinctly that he was charged with the check?—A. I feel confident they will.

Q. Do you keep your books in the bank in such a manner that you

are able to tell whether money is paid out upon a discounted note or upon a check?—A. Usually, yes.

Q. The band that you have there is not such a band as you used yourself to put around packages?—A. No, sir.

Q. You do not know whether that band was ever in your bank or not?—A. I do not.

Q. What did Mr. Purcell say he wanted that money for?—A. He said he wanted to express it home, and that he would send exchange to pay for it in a day or two. That exchange came back on the 27th, which our books will show the credit of, some forty-odd hundred dollars. He had a credit of between nine and ten hundred dollars at the time. He wanted to use that currency; said he wanted to use it at home; was going to express it.

Q. Then he did obtain so much of you to his credit in the bank, and the \$5,000 was an open draft on his part?—A. It was for two days.

Q. Did you ask any security for the difference?—A. No, sir.

Q. You simply paid it out on his check?—A. Yes, sir; to him myself.

Q. Did he tell you what he wanted to send it home for?—A. No, sir.

Q. Is it a general thing for you when persons who make deposits in your bank and check out several thousand dollars to go up to the express office to see whether it is sent by express or not?—A. No, sir; we generally express it for them.

Q. Do banks generally do that kind of business?—A. No, sir.

Q. Did you go over there as cashier of the bank, or go over there as Byron Roberts?—A. I went over there individually.

Q. You were not interested, then, to see whether your bank was secure for the money or not?—A. Not a bit of it.

Q. But were simply ascertaining to see whether Mr. Purcell wanted to use that money?—A. Yes, sir.

Q. Why did you not ask him?—A. Because I knew he would not tell me.

Q. Then you think men who would draw out of bank on such occasions and at such times sums as large in amount as \$5,000 would not be apt to tell?—A. Under certain circumstances.

Q. Under the circumstances surrounding the transaction?—A. Do not go too fast. I want to explain a little as I go along. I knew Mr. Purcell came down here in the interest of other parties against Ingalls. I knew it was suspicious for him to come into the bank and check \$5,000 in currency and say he was going to send it by express, which we always do, and nobody else asks us to take out money and ship it themselves, but we do it for them; and I being actively interested in Mr. Ingalls's election, that is, I was a warm supporter of his, the circumstances looked suspicious to me, and I went over of my own accord and inquired whether that money went by express, and they told me not.

Q. Did any other person draw out large sums of money from your bank about that time?—A. Other customers probably did. Ask as to any one, and I will tell you.

Q. I ask you if anybody did?—A. That I do not know. If you had ten or fifteen thousand dollars there, and came in to draw eight thousand of it, I would not take any note of it, because you did not take any part in that fight; it would not have looked suspicious, and I would not have thought anything about it.

Q. Will your books show all the large amounts that were paid out between the 15th and 31st of January?—A. Of course they will.

Q. To any person and all persons?—A. Yes, sir; you can see them individually, if you wish.

Q. Can you produce the books here before the committee, for the purpose of showing what persons drew out large sums of money?—A. I could do that, but that would be hardly fair. I will go with you or Mr. Biggs, or both of you, to those books, and you can look at them. That is fair, is it not?

Q. I am not accustomed to use bankers' books; I do not know anything about them.—A. You can see and read.

Re-examined by Mr. EVEREST:

Q. How far is it from Topeka to Manhattan?—A. I do not know.

Q. Give us the distance approximately.—A. Mr. Webb said about sixty miles, and I think he is probably right.

Q. How long had Mr. Purcell been a customer or correspondent of your bank?—A. I think I should be safe in saying at least five years; I think more.

Q. Can you tell whether on any other occasion Mr. Purcell came to your bank and drew \$5,000 in currency for the purpose of expressing it himself to Manhattan?—A. I do not remember his ever having done so.

Q. Do I understand you to state that that was not the customary way by which currency was checked out and sent by correspondents?—A. It is not.

Q. What is the usual way when currency is to be expressed from one bank to another?—A. They usually write us to remit them so much currency; and they often come to the bank themselves and tell us to express them so much money, for which they give us their check.

Q. Who does that expressing customarily; the bank that sends the money, or is it delivered to the customer, and does he send it by express?—A. It is usually done by the bank itself. It saves them trouble.

Q. You regarded that, you say, under the circumstances surrounding that transaction, as exceedingly suspicious, and that was the reason why you went to the express office?—A. Yes.

Q. Is not Mr. Purcell a man of wealth, as you knew at that time?—A. Yes, sir; we so understand it.

Q. Was he a banker at Manhattan also?—A. Yes, sir.

Q. And treasurer of the board of agriculture?—A. Yes, sir; I understand he is. I think he was at that time, too; in fact, I know he was.

Q. Do I understand you to state that each of those packages of \$500 was surrounded by a band itself?—A. Yes, sir.

Q. And on that band was there printed or written the amount of money in that package?—A. Yes, sir.

Q. And there were ten of these packages delivered to him that day?—A. Yes, sir.

Q. By yourself?—A. By myself.

By Senator BAILEY:

Q. Was it your habit, when money was deposited by the railroad company of which you spoke, to put it away in the same packages that you received?—A. Yes, sir, usually, if it was tied up in any kind of decent order, we did.

Q. And with the same bands around it?—A. Yes, sir; or from anybody else.

Q. You say this money was to be refunded by the delivery of eastern exchange?—A. Yes, sir.

Q. It was delivered to Mr. Purcell on the 25th, and you received the exchange on the 27th?—A. Yes, sir.

Q. And was the letter from him that inclosed the exchange sent by Mr. Purcell from Manhattan?—A. It came through the mail.

Q. By whom was it sent to you?—A. By the Manhattan Bank, of which he is proprietor.

Q. Was the money taken out by Mr. Purcell in his own name, or for the Manhattan Bank?—A. He called it the Manhattan Bank, but it is not a bank; that is, I do not understand it to be an organized institution. He calls it the Manhattan Bank, but he is the sole proprietor, as I understand it.

By Mr. EVEREST:

Q. It is not an organized bank, a corporation?—A. I think not.

Q. He is a private banker, as I understand?—A. Yes, sir.

By the CHAIRMAN:

Q. Was there any letter accompanying the remittance of exchange in payment of that money?—A. There always is.

Q. By whom was that letter written?—A. I do not know, I cannot say that. He has got a fellow by the name of Webb in there.

Q. Do you know whether that letter was written by Mr. Purcell?—A. I do not.

Q. By whom did it purport to be signed?—A. I do not know whether it was signed by Mr. Webb, as cashier of the bank, or by Mr. Purcell. I do not sign one letter in a hundred that goes from our bank. They are signed in my name by somebody else, by a clerk. Mr. Purcell has a man who acts as cashier in his bank, and the probabilities are that it was signed by him. I should think it was; I do not know, though, for I never looked at the letter afterwards, and never thought anything about it.

Q. Do you know whether the railroad company you have mentioned had at that time a deposit in your bank in money of that description?—A. I do not.

Q. You do not know whether there was at that time any of the money of the railroad company in the packages you have described in your bank?—A. I do not.

By Mr. RIGGS:

Q. I understood you to say that in the business of your bank you did not use that kind of a band?—A. We do not; that is, when we tie up money ourselves that is loose.

Q. I understood you to say that when persons wrote to you to make a remittance you expressed the money?—A. Yes, sir.

Q. Do I understand you to say that it is usual for men, when they draw out money upon their own check, to ask you to express it?—A. Yes, sir; when they want it expressed.

Q. Do you say that is the uniform rule?—A. Yes, sir.

Q. The uniform rule?—A. I would say there is not one time in twenty but it is done.

Q. Ah, you mean to say is, that when they draw out a large amount of money and they ask you to express it, that is the rule in those cases.

Do you know whether men, when they draw out large sums of money, want to express it or not?—A. No, sir.

Q. If they do want to express it, and do not ask you to express it, you have no knowledge of the subject?—A. No, sir.

Q. Is it usual for men who do want to express their own money to state to you that they expect to express it?—A. Those cases are not usual, getting money in that way.

Q. Was it a usual thing, then, if Mr. Purcell expected to express his own money, to state to you that he was going to express it?—A. I know he so stated. I do not know whether it is true or not.

Q. It is rather an unreasonable thing?—A. It is unusual for a man to express his own money when he gets it at the bank and wants to express it, because we have facilities to do it and he has not.

By Senator BAILEY :

Q. You made inquiry whether any money was expressed by Mr. Purcell to Manhattan?—A. There was not. I also went there to-day again to see. I examined the books from the 24th of January to the 1st of February.

By Mr. RIGGS :

Q. The only way you have of knowing that he did not send it by express is the inquiry you made of some expressman?—A. Of the agent himself.

Q. You only know it, then, by hearsay?—A. That is the way.

Q. Did you fix the day when Mr. Purcell drew that money?—A. Yes, sir; the 25th of January.

Q. Do you know whether or not, on the 25th day of January, or shortly after that, Mr. Purcell went to Manhattan?—A. I do not.

Q. Did Mr. Purcell state to you at the time that he drew that money that he wanted it for the Manhattan Bank?—A. He said he wanted to express it home. I think that was his language.

Q. Did he not state that he wanted it for the Manhattan Bank?—A. I do not think he did; but I would so understand when he said he wanted to express it home.

Q. You do not know, then, whether, after the 25th of January, Mr. Purcell went home or not?—A. I do not.

Q. And you do not know but that he may have carried it there on the first train?—A. I feel confident he was here a day or two afterwards.

Q. Was he here on the 25th, 26th, and 27th of January, to your own knowledge?—A. I do not believe I will swear to it, but I feel confident he was here the 26th.

Q. Passenger trains run from here to Manhattan twice a day every day, do they not?—A. That I do not know. I know there is one goes a little after noon.

Q. Do you not know one goes out every night?—A. I do not know it as a fact.

Q. Do you not know there is one down every morning early, that passes Manhattan?—A. I do not know that; but I think there is.

Q. Do you not know that the time from here to Manhattan, by the Kansas and Pacific Railroad, is about three hours?—A. It would be, from the distance, I should think, about three hours.

Q. A man could leave here on the train going up at night and be back at noon the next day, could he not?—A. Yes, sir.

Q. And have three or four hours for business in Manhattan?—A. I do not know that he would have that much.

By Mr. EVEREST :

Q. You say that you had the facilities in the bank for expressing?—

A. What I mean by that is, that we have a gas jet there and a seal.

Q. And express envelopes?—A. You could not get it in an envelope.

Q. State whether he took that money away loose as you gave it to him, or whether he requested you to do it up in a package to be expressed.—A. He did not request me to tie it up.

Q. Did he take it away himself as you gave it to him?—A. I think he did. I am not positive about that.

Q. What time of the day was it?—A. That I do not distinctly remember. I think it was in the afternoon.

By Mr. WEBB :

Q. I ask you if there was not a large amount of money, running up into thousands of dollars, brought and deposited by some person in your bank between the 15th of January and the 1st of February that does not appear in any manner on the books of the bank?—A. No, sir.

CHARLES A. MORRIS, a witness called by the respondent, sworn and examined.

By Mr. EVEREST :

Question. Where do you reside?—Answer. I reside at Larned, Kansas.

Q. You are the Mr. Morris that holds some position in the United States land office at that place, are you?—A. Yes, sir.

Q. Did you hear the story that was in circulation, or the testimony here during this investigation, about your having a large package of money and bringing it here to Topeka in the interest of Senator Ingalls?—A. I have heard such a report. I did not hear the testimony.

Q. Did you hear such a report as that during the Senatorial contest, or shortly afterwards?—A. Shortly afterwards.

Q. State whether there was any truth in that rumor or not.—A. There was no truth in that rumor.

Cross-examined by Mr. WEBB :

Q. Were you not at Washington last winter?—A. I was.

Q. In the month of January?—A. Yes, sir.

Q. How long did you remain there?—A. I left there on the morning of the 30th of January.

Q. What hour in the morning?—A. I cannot say. It was in the forenoon some time; I think about eight o'clock.

Q. What train did you take?—A. I cannot say that. It was the regular morning through train to Saint Louis.

Q. You can tell whether it was before daylight or after?—A. It was after daylight.

Q. That you left there?—A. Yes, sir.

Q. What hotel did you stop at while at Washington?—A. I stopped at the National Hotel a portion of the time, and at private rooms a portion of the time.

Q. Where were you stopping at the time you left there?—A. I was stopping at private rooms on Twelfth street.

Q. When did you leave the National Hotel?—A. I was only at the National Hotel a few days.

Q. When did you go there?—A. I reached Washington about the 15th day of December.

Q. You remained, then, in Washington from that time until the morning of the 30th of January ?—A. Yes, sir.

Q. What was the route of travel from Washington to Saint Louis ?—

A. I came over the Pennsylvania route by the Vandalia line.

Q. That brought you through Pittsburgh ?—A. Yes, sir.

Q. What time did you reach Pittsburgh ?—A. I really do not remember whether it was in the evening or the morning.

Q. Did you stop at Pittsburgh at all ?—A. Yes, sir ; I stopped at Pittsburgh.

Q. How many hours ?—A. I think about twenty minutes.

Q. No longer ?—A. I only stopped while the train stopped, and came out in the same train I arrived on.

Q. Did you stop at any point intermediate between Washington and Pittsburgh longer than the time the train stopped ?—A. No, sir.

Q. Did you, after leaving Pittsburgh, stop before you reached Saint Louis at any point ?—A. I did not.

Q. While you were in Pittsburgh did you go into a telegraph office ?—A. I have no recollection of going into a telegraph office. I might have done so.

Q. While you were in Pittsburgh did you not go into a telegraph office ?—A. I have no recollection of going into a telegraph office at Pittsburgh. I do not think I went into any telegraph office at Pittsburgh.

Q. Did you send any one to the telegraph office there ?—A. No, sir.

Q. Did you write or dictate any message or dispatch to be sent by wire from Pittsburgh to Topeka ?—A. I did not,—wait.

Q. Well, I will wait.—A. No, sir ; I did not.

Q. Did you write or dictate any message to be sent by wire from Pittsburgh to any point whatever this side of the Missouri River ?—A. I did not.

Q. Did you write or dictate any dispatch after you left Washington City, to be sent by wire to any point this side of the Mississippi River ?—A. Not that I recollect of.

Q. Did you write or send a dispatch or message from Washington before you left there, to any person in Topeka ?—A. Yes, sir.

Q. When was that dispatch sent ; the morning you left there, the night before, or the day before ?—A. I cannot say ; I dispatched several times while I was in Washington.

Q. Take the last twenty-four hours you were in Washington City ; did you write any message to be sent, and send a message by wire from Washington City to any person in Topeka ?—A. I do not think I did.

Q. Well, the last forty-eight hours ?—A. I might have done so ; I sent several dispatches from there about that time ; I was very anxious to learn the result of the Senatorial contest which was then progressing in Topeka, and I sent some dispatches to parties here to get the information ; and I also dispatched to my people home, I think, before I left.

Q. I do not ask about that ; did you receive any replies to any of the dispatches that you sent to persons here in Topeka concerning the Senatorial election ?—A. Yes, sir.

Q. From whom ?—A. I received a dispatch from Topeka from my brother, who was then in Topeka.

Q. That was James W. Morris ?—A. Yes, sir.

Q. From any other person ?—A. Not to my recollection.

Q. To whom did you send dispatches inquiring about the Senatorial election ?—A. I think the only person I sent dispatches to was my brother, James W. Morris.

Q. Did you get a dispatch from your brother or any other person.

suggesting or stating that it was necessary for you to hurry to Topeka?
—A. Not that I recollect.

Q. How much money did you have in your possession or under your control when you left Washington?—A. I do not remember; I had more than when I got home.

Q. How much more?—A. My expenses out; I cannot tell exactly; I will say that whatever money I left Washington with was my own private funds.

Q. Do you make a distinction between money and exchange, drafts, or certificates of deposit?—A. I might have had drafts; I think I did; they were my own; whatever I had was my own.

Q. Did you not have something—whether it was drafts, certificates of deposit, checks, orders—representing, and which would secure upon presentation at the proper place, many thousand dollars, as many as from five to ten thousand dollars?—A. I did not.

Q. Do you know Leonard T. Smith, of Leavenworth?—A. I do.

Q. Did he ride on the train with you any part of the way from Washington to Pittsburgh?—A. I do not think he did.

Q. Did you see him in Washington?—A. Yes, sir.

Q. How long before you left Washington?—A. I think the day before.

Q. Did you have any conversation with him about the Kansas Senatorial election?—A. I did.

Q. Did you state to Mr. Smith that you were in possession of a large sum of money which you were to bring here to Topeka to advance the cause of Senator Ingalls in the election then pending?—A. I did not.

Q. Did you make any statement to Mr. Leonard T. Smith upon that subject at all?—A. I did not.

Re-examined by Mr. EVEREST:

Q. Did I understand you to state that you had no money, funds, or the representative of money with you except what belonged to you individually?—A. That is what I stated.

EUGENE L. SMITH, a witness called by the respondent, sworn and examined.

By Mr. EVEREST:

Question. Are you the manager of the Western Union Telegraph Company at this place?—Answer. I am.

Q. Have you control of the business of that corporation at Topeka?—A. I have.

Q. Did you have such control during December and January last?—A. I had.

Q. Have you produced here, in obedience to the *subpoena duces tecum* served upon you, all the telegrams sent or received by John J. Ingalls between the dates of the 1st day of January, 1879, and the 25th day of June, 1879?—A. I have not.

Q. Will you now produce them?—A. No, sir; I am instructed by my superior officers not to do so, and I am instructed to file the reasons for not doing so in writing, which I have in my possession now.

Q. State if you have not been personally requested to do so both by Mr. Ingalls and by his counsel?—A. I believe I have.

Q. In addition to the subpoena served upon you?—A. Yes, sir.

Q. You say now you will not obey the subpoena?—A. Yes, sir.

Senator BAILEY. We cannot receive the reasons of his employers, in my opinion. However, that is a matter for the committee to determine.

Mr. EVEREST. We have no desire to have the reasons. We have done

the best we could. The reasons are a matter, I suppose, to be laid before the general committee.

The CHAIRMAN (to the witness). It is the function of the committee to inform you first that it is your duty to answer and obey the summons of this committee, and to produce the telegrams embraced in the summons *duces tecum* to you. Do you refuse to obey that summons?

The WITNESS. Upon instructions from my superior officers, I do.

Q. (By the CHAIRMAN). You are fully aware of the consequences that may result to you by your refusal, are you? It is not necessary this subcommittee should inform you, I suppose, of the consequences that may result?—A. I think I am aware of the consequences that may happen.

Q. Are you aware that it may become the duty of this committee to ask for an attachment for you and the production of your body in the city of Washington?—A. Yes, sir.

Q. To be subject to such consequences as the Senate in the exercise of its discretion may see proper to impose?—A. Yes, sir.

By Senator BAILEY :

Q. Have you the custody of those telegrams?

Mr. EVEREST. Before he answers that I wish to ask a question.

(To the witness.) The subpoena, Mr. Smith, requires you to produce before this committee all original telegrams and copies of telegrams sent or received by John J. Ingalls at Topeka, Emporia, Atchison, and Wamego, in the State of Kansas, at Kansas City, in the State of Missouri, and at Washington, in the District of Columbia. So far as you have any custody or control of the telegrams therein referred to, you refuse to obey the subpoena, do you?—A. Yes, sir.

By Senator VANCE :

Q. Have you any objection to surrendering the telegrams that Mr. Ingalls has requested you to surrender?—A. I cannot give those up.

Q. You think the power that your officers exercise over you is greater than that of the Senate of the United States, do you?—A. At the present time it is.

Q. Have you got them here or have you sent them off to Washington City?—A. I have not got them here; I have not sent them to Washington City; they are in this city.

By Mr. EVEREST :

Q. Will you give Mr. Ingalls or his attorneys copies of those telegrams?—A. I should consult my superior officers before doing so.

Mr. EVEREST. We desire you to do so.

The WITNESS. Very well, sir; I will do so.

(Mr. EVEREST). When will you answer with regard to them? Sworn copies we want.—A. As soon as I hear from them.

Q. Will you be able to answer by Monday with regard to them?—A. I think in all probability that I shall.

By Mr. EVEREST. I should like to have the witness report here Monday and answer.

The CHAIRMAN. The witness is in contempt of this committee, and, as a member of this committee, I should oppose receiving any communication from the witness, any copies of papers, or anything else. Obedience to the mandate of this committee is what we require. If he fails to do that, he has nothing more to do with this committee; but we have to perform our duty and not accept any compromise the witness may make.

Mr. EVEREST. Of course that is a matter which I leave to the committee.

Senator CAMERON. Mr. Chairman, I suggest that the witness be permitted to file with the committee his reasons for refusing to obey the *subpœna duces tecum*.

The CHAIRMAN. He has given his reasons—that he is instructed by his superior officers not to do it. He now desires to file the reasons of his superior officers for those instructions. To that I am opposed. We are not the vehicle of communicating to the world the reasons which govern the telegraph company. We have the reasons of this witness; but the reasons of his principals we have nothing to do with.

Senator CAMERON. He states that he has in his possession the reasons for refusing to obey the *subpœna duces tecum*. I move that he be permitted to file those written reasons with the committee and that they go into the record.

Senator LOGAN. Are they his reasons or the reasons of his superior officers?

The WITNESS. They are the reasons of my superior officers.

Senator LOGAN. Then I shall vote against the motion.

The CHAIRMAN. I am utterly opposed to it.

Senator VANCE. I am opposed to it.

The CHAIRMAN. The committee decides that the paper cannot be received.

RICHARD H. BALLINGER, a witness called by the memorialists, recalled for further examination.

By Mr. WEBB:

Question. Are you acquainted with Charles S. Aldrich?—Answer. I am.

Q. How long have you known him?—A. Probably four years.

Q. You are also acquainted with Samuel C. Pomeroy?—A. I met him for the first time at Poppendick's one day this week.

Q. Did you ever meet Mr. Samuel C. Pomeroy in your life until this week?—A. I never did.

Q. Do you know a man named A. A. Thomas, called Captain Thomas sometimes?—A. I know some of the Thomases in this city.

Q. This man used to be in the land office at Kerwin.—A. I do not know him; never saw him.

Q. And now lives in Washington City.—A. I do not know him. I have no recollection of ever seeing him.

Q. State whether you were in Senator Pomeroy's room at any time last winter, when you there saw Charles S. Aldrich and A. A. Thomas.—A. I was not.

Q. You may state whether you know Martin, the representative from Kingman County.—A. I do.

Q. You are personally acquainted with him?—A. Yes, sir; I know him.

Q. State whether yourself and Mr. Pomeroy and Mr. Thomas and Mr. Aldrich and others were here to defeat Senator Ingalls last winter, and expressed a willingness to use any means to accomplish that purpose.—A. As I stated before, there was no such conference, no such meeting.

Q. Did you ever say to Mr. Aldrich, in words or substance, that you were ready to unite with him, or with him and others, in the defeat of Ingalls, and to accomplish that, that you would use all means necessary?—A. I have no recollection of any such conversation.

Q. Could such a conversation have taken place and you not remember it?—A. I think not.

Q. You may state whether at any time Mr. Pomeroy employed you as a go-between, between himself and Martin, of Kingman County, to negotiate for, or to pay money to, Martin, to control his vote for Senator.—A. He did not.

Q. State whether you told Charles S. Aldrich that Mr. Pomeroy had employed you as a go-between for that purpose, had given you some money, and that, after ripping out your commission, which was pretty good, Martin got \$300 for his vote.—A. I never made such a statement.

Q. Did you ever pay to Mr. Martin, or offer or propose to pay to him, any money for his vote?—A. Not a thing.

Q. Did Mr. Pomeroy ask or request such a thing of you?—A. Mr. Pomeroy never asked any such question. I never saw Mr. Pomeroy; I had no acquaintance with him last winter at all; never knew him.

Q. You say you did not know Mr. Pomeroy. Do you know what room Mr. Pomeroy occupied at the Tefft House last winter?—A. He occupied room 121; that is, I was told he did. I went up there to see him once, in company with another gentleman, who was going to introduce me. I went in the front room and Mr. Pomeroy had gone into the other room—was absent in council with some one—and we both came out and never saw him.

Q. Was the man who took you there Mr. Aldrich?—A. No, sir.

Q. With that exception, were you ever in Mr. Pomeroy's room at the Tefft House?—A. With that exception I never was in his room during the whole campaign.

Q. State whether, at the suggestion of Mr. Pomeroy, or at your own suggestion, or at the suggestion of any other person, you ever offered any money to any member of the legislature to control his vote for any man for United States Senator.—A. I never did.

Q. Do you know of any person doing that of your own personal knowledge?—A. No, sir.

Cross-examined by Mr. EVEREST:

Q. You have taken quite an active part in this prosecution or persecution against Mr. Ingalls, have you not?—A. I have taken some little part in it.

Q. Have you written any letters to S. C. Pomeroy concerning it?—A. No, sir.

Q. Did you write, indite, or authorize a letter to Hon. S. C. Pomeroy of which the following is the contents, to wit:

TOPEKA, KANSAS, March 20, 1879.

Hon. S. C. POMEROY:

DEAR SIR: I have written to S. F. Stambaugh, of Kansas, two letters, addressed to your care. For fear he has left & failed to send contents, I herewith send you notes of interest in the Ingalls investigation.

Since Hanback has been proposed for register of Larned land office, Charles Morris is disposed to blow on Ingalls. Charley knows enough, if he can be made to tell, to settle Ingalls forever. Charley was the party who is said to have left Washington for Topeka with several thousand dollars of Ingalls money; was delayed on R. R. & telegraphed the funds from Pittsburgh. Charley has told me that if he was not appointed "By God, I will make their tails drag the ground," meaning Ingalls & Plumb. Old McMeekin & his clerk knows a great deal of the inside workings of the matter. After Horton's nomination, a few minutes after Moonlight had made the motion, after cheers for the unsuccessful, from the top of trunks in the center of the Tefft House lobby, McMeekin there offered to bet & did bet money on Ingalls. I witnessed the whole performance, & as soon thereafter as the crowd was thinned out some, perhaps about 3½ a. m., Danford, the Osage banker, came downstairs & went in behind the Tefft counter, produced a piece of paper, & McMeekin looked at it, unlocked his safe, & handed Danford a large package of money; looked like several thousand dollars. Danford was followed up the stairs & first went into Ingalls' room, remained in a

minute or so, & came out up to room No. 120. In corroboration of this statement mostly seen by myself, Hon. D. B. Burdick, Osage County, is a witness, who was so near that he saw some of the numbers on the bills. It may be this money was a part of the package Morris left Washington with, or it was Hood's. At any rate, some one had given Danford an order for this package of money. After this transaction, some Horton men were betting at the Tefft House bar, & in particular a gentleman from Edwards County I prevailed on to put up his money—that the cards were stocked against him. I got W. H. Vernon, of Pawnee County, who was offering to bet, to go into Ingalls' room & find out if it was safe to bet on Ingalls. In a few moments he came back & said they told him to bet his whole pile, that they had money enough in the Tefft House to fix the thing, & they would win if it took the last damned nickel.

If matters herein stated will do any good, use it. My post-office address is Larned, Kansas. Please write.

Respectfully,

R. H. BALLINGER.

A. I have no recollection of writing that.

Q. Did you write that letter or not?—A. I do not think I did.

Q. State whether you did or not.—A. I do not think I did, not to Mr. Pomeroy.

Q. Did you write such a letter as I have stated to you the contents of?—A. I may have done so to Mr. Stumbaugh.

Q. Did you write such a letter as that dated March 20, 1879, to S. C. Pomeroy?—A. I do not think I did.

Q. Can you tell whether you did or not?—A. Not to Mr. Pomeroy, I can state positively. It is my best recollection I never wrote Mr. Pomeroy a letter.

Q. You state that you never did address such a letter as that to Hon. S. C. Pomeroy?—A. I do not think I did.

Q. Do you not know whether you did or not?—A. That is my recollection about it. I never have had any correspondence with Mr. Pomeroy. I have never received a letter from him that I can recollect.

Q. Do you state to the committee that you do not know now whether you did or did not address such a letter as that to Pomeroy?—A. I state to the committee that I have no recollection of ever writing such a letter as that to Mr. Pomeroy.

Q. Is not your recollection as good about that as it is about the matters connected with the Senatorial contest?—A. Well, I suppose it is pretty near the same.

Q. Would you not be more apt to remember what you had coolly written in March, after the excitement was over, than you would what took place during the Senatorial excitement?—A. I think not, because a man writes a great many letters and he does not know whom he writes them to. It might be a possibility that I wrote such a letter.

Q. Would you write such a letter as that to a gentleman whom you were not acquainted with?—A. I do not know that I would. It is my impression that I did not write it. I may have written it to Mr. Stumbaugh, and I think I did.

Q. And you were friendly to Ingalls?—A. No; I was not at that time.

Re-examined by Mr. WEBB:

Q. Counsel read you what purports to be a copy a letter. You say you probably wrote a letter of that character to Mr. Stumbaugh?—A. That is my impression.

Q. The matters stated in that letter, then, as you understood them then, were true?—A. That is my opinion, that they are true; that is, I have not personal knowledge of them.

Q. You did state those matters to Mr. Stumbaugh in writing? A. I did.

Q. Would you not also have stated them to Mr. Pomeroy or anybody else you thought could use them?—A. I would if I thought they would use them.

Q. Counsel did not ask you whether the matters stated in that letter are true; he only asked you if you wrote that letter to Pomeroy. I ask you whether the matters stated in the paper which he read to you, purporting to be a copy of a letter written by you, so far as they purport to be stated within your knowledge, were true?—A. I think they were.

By Mr. EVEREST:

Q. Do you now think that you wrote such a letter?—A. I wrote the substance of that to Mr. Stumbaugh; it is my impression I never had any correspondence with Mr. Pomeroy.

Q. Your impression is now, then, that you have some recollection about it, have you not?—A. I have a recollection about the fact that I wrote to Mr. Stumbaugh.

Q. What is there in that letter that you know of your own personal knowledge to be true?—A. About the package of money.

Q. State what it is; state what fact in that letter you know to be true, personally.—A. About seeing some money in the hands of Mr. Danford. That part of it I know to be true; about seeing Mr. McMeekin offer to bet money on the result of the election, I know to be true; about seeing Mr. W. H. Vernon and a gentleman from Edwards County offering to put up money there and bet on the result of the election, I know to be true, for I saw it. That is about all that I know to be true that is in the letter.

Q. The rest you have no personal knowledge of at all?—A. Not a bit.

Q. And yet you say you were writing that kind of slander that was contained in that letter to the persons who were prosecuting or persecuting Mr. Ingalls, and still you stood indifferent in this investigation. Is that so?—A. I heard general rumors and reports about the other parts.

Q. Did you inform Mr. Ingalls or any of his friends of what you were doing?—A. I do not know that I did.

Q. Did you not state in your testimony the other day here that you had taken no part whatever in this investigation?—A. No, sir.

Q. You did not state so?—A. I do not think I did.

Q. How many other letters of this character have you been writing over the State?—A. That is about the only letter. I may have written two to Mr. Stumbaugh, but I have written none to anybody else that I can recollect about.

Q. Can you tell us what the front name of Pomeroy is?—A. S. C., I believe.

Q. You know that?—A. Yes, sir.

Q. You knew that when you wrote this letter?—A. I presume I would know it. I have seen his name in print.

By Mr. WEBB:

Q. There are some statements in that letter as to declarations made by Mr. Morris. The name there used is "Charley" Morris. Is that Charles A. Morris?—A. Yes, sir.

Q. State whether or not, as a matter of fact, you ever heard Mr. Morris make any such statements as are reported in that letter.—A. I heard him make a statement in substance, as read out of the letter, referring to Ingalls and Plumb, just before he was appointed to the land office.

Q. Were those remarks made after Lewis Hanback had been nominated for the position now held by Mr. Morris, and while his nomination

was pending before the Senate?—A. I cannot give the exact time. It was during the pendency of that contest; just before or just after. I think it was after Hanback's name had been sent in.

Q. Do you know as matter of public history that Lewis Hanback was nominated for register of the land office at Larned, and that his nomination fell because it failed to be reached?—A. Yes, sir; I know it from public rumor.

Q. And that some considerable time elapsed before Mr. Morris was renominated?—A. Yes, sir.

Q. Were the declarations you heard Mr. Morris make, made while it was uncertain whether he would be reappointed or not?—A. It was during that time of uncertainty as to that contest.

By Mr. EVEREST:

Q. You say that this conversation that you had with Morris was before the Senatorial election?—A. The Senatorial election was last winter. No; this was just about the time of the Hanback contest.

Q. When was the Hanback contest?—A. That was since the Senatorial election.

Q. State when and where you had such conversation with Charles A. Morris.—A. I had it at Larned, in Pawnee County.

Q. What day of the month or what month?—A. I cannot give the day of the month, nor the month.

Q. What day of the week?—A. I cannot give the day of the week.

Q. What time of day?—A. It was in daylight. He had come down to town and had been to the office.

Q. Who was present?—A. No one else.

Q. He came right up to you then and made that statement?—A. No; we were talking about it.

Q. What did you say to him?—A. I cannot give all the conversation.

Q. What did he say to you other than this?—A. He was claiming that Ingalls and Plumb were not treating him fairly, and was canvassing his chances about the prospect of his appointment, and he made that remark during the conversation.

Q. How long were you and Mr. Morris together during that conversation?—A. I do not suppose it was over ten minutes.

Q. He knew you were not a friend of Ingalls, did he?—A. I think he did.

Q. He knew you were not a friend of Plumb's, did he?—A. Well, I do not know whether he did or not.

Q. Were you on friendly relations with Morris yourself?—A. Yes, sir.

Q. A confidential friend of his?—A. I do not know that I was very confidential.

Q. He made you the repository of his secrets, both political and private?—A. Not absolutely.

Q. Did he ever deposit any other secret with you?—A. Not that I know of.

Q. But on this one occasion; and then he stated to you this isolated fact that you have testified to?—A. He made that statement.

Q. You are as positive of that as you are that you are not acquainted with S. C. Pomeroy?—A. I am acquainted with S. C. Pomeroy now. I saw him here in town the other day.

Q. You had an interview with him?—A. I had an interview.

Q. Was the subject of this letter that you had written him brought up at that time?—A. No, sir.

The committee adjourned until Monday, at 10 o'clock a. m.

MONDAY, *October 6, 1879.*

The committee met pursuant to adjournment, all the members being present; also the counsel for the memorialists, and the respondent with his counsel.

The CHAIRMAN. Gentlemen, perhaps it is proper to state to the counsel engaged on both sides that the committee propose to terminate this investigation on Wednesday at farthest; sooner, if possible; and it is, therefore, desirable that whatever witnesses it may be proposed to examine, shall be procured to be in attendance as soon as possible, and that they be examined in the order of their materiality. The most material witnesses should be placed upon the witness stand first, so that, if any have not time to testify, it may be those whose testimony is less important. To the accomplishment of this end it is desirable that counsel make the examination of witnesses as brief as possible. I find but one witness for the memorialists present, who has reported, Mr. Higgins.

WILLIAM HIGGINS, a witness called by the memorialists, sworn and examined.

By Mr. WEBB :

Question. Where do you reside?—Answer. I reside in Parsons, Kans.

Q. Did you ever reside in the county of Cherokee?—A. I did.

Q. State whether you were personally well acquainted with James R. Hallowell.—A. I have been.

Q. For what length of time?—A. Since about June, 1871, I think.

Q. After his election to the State senate and before the time of holding the Neosho Falls fair last year, had you any conversation with Mr. Hallowell regarding his preference for United States Senator?—A. I had several conversations with Mr. Hallowell; I do not know particularly as to his choice for United States Senator.

Q. Do you remember the time when the Neosho Falls fair was held last year?—A. I do.

Q. Had you any conversation with Mr. Hallowell before that time in reference to the Senatorship?—A. Yes, sir.

Q. Did he make any statement to you concerning Mr. Ingalls or in respect to his feelings towards Mr. Ingalls? And if so, state what he said.—A. I think it was on the 17th or 18th of September I was at Columbus—I will not be positive as to dates—and he asked me if I had seen Mr. Ingalls lately. I told him I had not, and he wanted to know if I would go to Neosho Falls and see him. I said I could do so, but that he had better go and see him himself.

Q. Well, did he tell you what he wanted to see Mr. Ingalls for?—A. Yes, sir; he stated to me that he understood Mr. George Peck was about to throw up the district attorneyship and he wanted to get it, and he would like to see Ingalls and see if there would be any chance for him to get it.

Q. Previous to that time, do you know whether Hallowell was in favor of Mr. Ingalls's re-election or not?—A. From his own statement I should judge he was for B. F. Simpson.

Q. Did you go to Neosho Falls?—A. I did.

Q. Did you see Mr. Ingalls there?—A. I did.

Q. Did you have any conversation with him concerning Mr. Hallowell?—A. Yes, sir.

Q. What did he say concerning Mr. Hallowell and Mr. Hallowell's supporting him for Senator?—A. I met Mr. Ingalls at Neosho Falls, where he delivered his speech before the agricultural society, and we got talk-

ing about things in general as to Southern Kansas, and Mr. Ingalls asked me what was the matter with Hallowell. I told him I did not know there was anything particularly the matter with him. Said he, "What makes him such a warm friend of Simpson?" "Well," said I, "he is a personal friend of Ben. Simpson, that is the only thing I know." Said he, "I should like to have Hal. for me." "Well," says I, "I guess you can get him if all reports are true." Said he, "What is that?" "Why," said I, "I understand Mr. Peck is about to resign his position as United States district attorney, and if Hal. could get that, Hal. would be for you." Says I, "Hal. requested me to come and see you and ask you if there was anything in that." "Well," said he, "there is. Mr. Peck is talking about resigning; his legal business is increasing and he wants to get out of the place; besides, he thinks he has had it long enough, and if Hal. will throw off his coat and give me that hearty support he generally does to a man, he can have it."

Q. Did he request you to notify Mr. Hallowell of that fact?—A. He requested me to wire Mr. Hallowell to meet him at Parsons the next day.

Q. Did you do so?—A. I did not.

Q. Did you say anything to Mr. Ingalls in that connection?—A. I told him he had better wire him himself.

Q. What did he say?—A. He said he would wire him or write to him.

Q. State whether there was anything said by Mr. Ingalls to you about your writing to Mr. Hallowell.—A. Yes, sir.

Q. What did he say?—A. He asked me to write Hallowell, and I believe I stated that I would write to Hallowell—would not wire him, but would write him that night.

Q. Did you write him?—A. I did.

Q. Do you remember what you said to him?—A. I do not recollect the whole contents of the letter; the main purport of it I do.

Q. State the purport.—A. I stated in the letter, which was written at Emporia—I think it was written on the night of September 26—that I had seen Ingalls and had a talk with him, and that the Senator would wire him, and for him to see him; that things were O. K.

Q. At the time you had the conversation with Mr. Hallowell which you have related, was Mr. Hallowell personally acquainted with Mr. Ingalls?—A. I understand he was not; I am confident he was not.

Q. Did you see Mr. Hallowell after returning from Neosho Falls?—A. I saw him some time after.

Q. Do you know whether he went to Atchison or not, immediately?—A. I do not know that he went immediately; he told me that he had been to Atchison and seen Mr. Ingalls.

Q. After Mr. Hallowell had been to Atchison and told you he had seen Mr. Ingalls and returned, did he then state his preference for United States Senator, and for whom?—A. I do not think there was anything said at the meeting as to his choice. We talked about the chances of the different candidates, and he asked my judgment as to Ben. Simpson's chances, which I told him very plainly.

Cross-examined by Mr. EVEREST:

Q. You do not know who Mr. Hallowell's choice was in the event of Mr. Simpson not having any chance for election, do you?—A. I never heard him say his choice.

Q. He was personally a friend of Major Simpson, was he not?—A. He was.

Q. What was going on at Columbus when you were there?—A. I do not know what was going on.

Q. Was the court in session?—A. I do not think the court was in session at that time. The court was in October. I was on my way to Parsons.

GEORGE R. PECK, a witness called by the respondent, sworn and examined.

By Mr. EVEREST:

Question. You were United States district attorney for the district of Kansas the year 1878?—Answer. I was.

Q. Up to what time?—A. Up to some time in June, 1879, but I do not remember the date.

Q. You know Senator Ingalls?—A. I do, very well.

Q. State whether Senator Ingalls, or any person or friend for him, ever requested your resignation, or suggested it to you, or anything connected therewith.—A. Neither Senator Ingalls nor any of his friends ever did, directly or indirectly.

Q. State the circumstances connected with your resignation.—A. I cannot state when I came to the conclusion to resign. I was considering the matter for a long time. Early in 1878 I began considering the subject of resigning, so as to give my whole attention to my private practice. I presume I stated so to different persons, friends.

Q. Did you have any talk with Mr. Hallowell about it previous to his being elected senator, or before the assembling of the legislature?—A. I did not.

Q. Any talk or understanding with him that you were to resign?—A. No, sir; not before his election.

Q. Not before the election of United States Senator?—A. Before the election of United States Senator I had a talk with Col. Hallowell, in which I told him I expected to resign. It was after his election, and after the assembling of the legislature, and after Col. Hallowell had been thoroughly identified for a long time with Senator Ingalls's supporters, I mentioned the matter to him, and not he to me.

Q. Was it not a day or two before Senator Ingalls's election?—A. I cannot tell when it was. It was during the Senatorial contest and before the final ballot, but I cannot say whether it was a day or two or more before Senator Ingalls's election.

Cross-examined by Mr. WEBB:

Q. Did you inform Senator Ingalls during last winter, at any time before his re-election to the Senate, that you intended to resign?—A. I did not.

Q. Is it not the fact that Mr. Hallowell took your resignation to Washington City?—A. It is not.

Q. How did you send your resignation?—A. By mail, the same day I wrote it.

Q. When was that?—A. About the 20th day of March; the only resignation I ever did write, I will add.

Q. When were you first appointed United States district attorney?—A. January 14, 1874.

Q. When were you reappointed?—A. January 14, 1878.

Q. Did you not desire to be reappointed to that position?—A. I did; but I did not ask to be reappointed. I did, as a matter of fact, desire to be reappointed at the expiration of my first term.

Q. Was it not the understanding at the time of your reappointment that if Senator Ingalls should at any time desire your resignation you would give it to him?—A. No, sir; not a word of the kind was ever said

directly or indirectly; but I should like to state now how I was reappointed if you desire to have me.

Q. I do not care anything about it.—A. Senator Ingalls was not in Washington when I was reappointed.

Q. I do not suppose the personal presence of a Senator is necessary there to determine his influence?—A. I can tell you all that was said about my reappointment.

Q. I do not care about it; your answer is satisfactory.—A. All right.

JAMES P. FARNHAM, a witness called by the memorialists, recalled for further examination.

By Mr. WEBB:

Question. When you were on the stand first you were interrogated regarding the rooms occupied by Senator Ingalls and Mr. Merritt. I now ask you if you have the book showing the account of the Tefft House for those rooms 17, 19, and 21?—Answer. Yes, sir.

Q. Turn to the account, if you please.—A. (Examining book.)

Q. State now who occupied rooms 17, 19, and 21, during the Senatorial contest in January, 1879.—A. They were occupied by Mr. Ingalls and others.

Q. Who occupied room 21?—A. I do not know; it was one of Mr. Ingalls's rooms.

Q. To whom was the bill charged for the use of those rooms and the board of the occupants and others?—A. It was charged on our books to J. S. Merritt.

Q. State the whole amount of the board, deducting those two items of error which I know are there.—A. The bill for how long?

Q. The whole time they were regarded as Mr. Ingalls's rooms?—A. \$811.10.

Q. I mean the whole bill, or was that for the rooms alone?—A. That was Mr. Ingalls's bill from the time he took the rooms up to after the last ballot.

Q. State the whole amount of the account of Mr. Merritt.—A. About \$961.45.

By the CHAIRMAN:

Q. Was that exclusive or inclusive of the bill of Mr. Ingalls?—A. Inclusive.

By Mr. WEBB:

Q. Did that include the board bills of any other persons that stopped at the house during that time?—A. Yes, sir.

Q. Give the names of the persons whose board bills there during that time were included in that bill and the amount of each bill.—A. I only have the surnames of some of them; I do not know the initials.

Q. Give the first name where you have it there and give the date.—A. January 23, Bradish, \$3.

Q. The next one?—A. Same date, Wells, \$3; 26th, lodging, 75 cents; same date, Bradish, \$6; January 30, A. C. Dawes, \$31.75; February 1, to board, \$492.

Q. That is included in the other. I only ask for the names of the parties included in the other.—A. February 1, Wells, \$17.25; Griffin, \$15.75.

Q. Do you know what Griffin that was?—A. I do not recollect.

Q. Was he senator from Bourbon County?—A. I do not recollect.

Mr. EVEREST. It was Charles P. Griffin, a lawyer of Atchison.

Q. (By Mr. WEBB.) Go on, then.—A. Rankin, \$15.75.

Q. What Rankin is that—John K. Rankin, of Lawrence?—A. I think that is the man. Then Love, \$12; Stevens, \$21.75.

Q. What Stevens is that?—A. I cannot say.

Q. Go on with the next.—A. Room No. 116, \$6.

Q. Who occupied room 116 at that time, if you can recollect?—A. I think it was Senator Murdock's servant girl and Mrs. Murdock's little babe.

Q. Go on.—A. B. M. House, \$27.

Q. Give the date of B. M. House's bill and state who B. M. House is.—A. I do not recollect.

Q. The next item?—A. Collins, Shadduck, McKinstry, Raff, and Whitlaw, \$139.20.

Q. What Collins is that?—A. Charles Collins, of Hutchinson.

Q. What Shadduck is it?—A. I think he is from Hutchinson also.

Q. R. B. Shadduck, of Hutchinson?—A. Yes, sir.

Q. What McKinstry is it?—A. I do not know the gentleman.

Q. What Raff is that?—A. Of Hutchinson.

Q. Was Whitlaw also of Hutchinson?—A. I do not know him personally.

Q. State the next item on the book.—A. C. Aldrich, \$21.10, February 6th.

Q. Was that Charles S. Aldrich, a gentleman you have seen here?—A. Yes, sir; Charley Aldrich.

Q. What is the next item?—A. H. D. Baker, \$33.60.

Q. Where is he from?—A. Out west somewhere on the K. P. road.

Q. Is he sheriff of Salina?—A. I think that he is the man. I know him, but do not know his business.

Q. The next item.—A. J. S. Merritt, \$26.25.

Q. Is Mr. Merritt's bill for himself not included under the first item, February 1st, where it says "board, \$492"?—A. This bill of J. S. Merritt of \$26.25 had accumulated since February 1st. March 12, A. Williams, \$10.

Q. What Williams is that?—A. Mr. Archie Williams. That is all.

Q. Now turn to page 76 of that book and see if the account of Charles Aldrich is there?—A. Yes, sir; it is.

Q. To what room?—A. Room 112.

Q. What is the whole amount of the debit?—A. \$64.70.

Q. State the credit, giving the dates and items credited there, each one.—A. January 27, by cash, \$28; February 6, by J. J. Ingalls, \$21.10. I will simply state that—

Q. That is included in Mr. Merritt's account?—A. Yes, sir. I put this down here the way it came the handiest for me to do, without any instructions from any one. "February 13, by J. J. Ingalls, \$15.60."

Q. Those three items credited there are equal to the amounts of the debit?—A. Yes, sir.

Q. See if Mr. S. C. Pomeroy had a bill at that hotel.—A. (Examining.) Yes, sir.

Q. What is the whole amount of Mr. Pomeroy's bill?—A. \$120, as it appears here.

Q. Between what dates?—A. January 15 to February 1.

Q. What room or rooms did he occupy?—A. 94 or 96. He had a separate bill from this.

Cross-examined by Mr. EVEREST :

Q. Turn back now to page 76, where you were. Do you know when the last ballot was taken for United States Senator ?—A. Yes, sir.

Q. Was it Friday, January 31 ?—A. It was.

Q. When was the bill of Aldrich of \$21.10 made ?—A. After the Senatorial election.

Q. What is the date ?—A. February 6.

Q. The same was true of the bill of H. D. Baker charged in Mr. Merritt's account, was it not ?—A. Yes, sir.

Q. What was the date of the bill of Baker ?—A. February 18.

Q. What was the date of the Collins bill in the Merritt account ?—A. It was a January account.

Q. How was it with Shaddock's ?—A. The same.

Q. With Raff and Whitlaw ?—A. All the same. They called as guests of Mr. Ingalls, and they were charged in his account.

Q. You say Mr. Pomeroy had a separate bill from what appears on the books ?—A. Yes, sir.

Q. By whose direction was that kept off the books ?—A. No one's.

Q. How much was his separate bill ?—A. \$250. It did not appear on the books, because they were private rooms of Mrs. McMeekin's, and she received the money herself; there was no firm account whatever.

Q. Was not the bill of H. D. Baker of \$33.60 after the Senatorial election ?—A. Yes, sir.

Q. Of date of February 18 ?—A. Yes, sir.

Q. The same is the bill of Mr. Merritt of \$26.25, is it not ?—A. Yes, sir.

Q. The same is the bill of Mr. Williams, under date of March 12 ?—A. Yes, sir.

Q. When was Mr. Williams's bill made ? Was it not during the legislative investigation ?—A. A couple of days previous to the date there, March 12.

Q. On page 76, under the account of Charles Aldrich, appears a credit of February 6, "J. J. Ingalls, \$21.10." Did Mr. Ingalls pay that ? Was he here ?—A. It was paid by Mr. Merritt.

Q. Is it not so with the credit of February 13, of \$15.60 ?—A. That was paid by Mr. Merritt.

Q. That was during the legislative investigation ?—A. After, I think.

Q. Whom was it paid by ?—A. The \$15.60 was paid by Mr. Aldrich himself; also the first payment.

Q. It seems to be charged there as credit to Mr. Ingalls; is that a mistake ?—A. I tried to explain that. I stated I had done it myself by no order.

Q. As a matter of fact, did Mr. Ingalls pay any of these items of credit given there to Mr. Aldrich ?—A. The one item of February 6, that is credited there "by J. J. Ingalls," I knew was paid by Mr. Merritt.

Q. And the one of February 13 was paid by Aldrich in person ?—A. Yes, sir.

Q. As also the credit of January 27 ?—A. "Cash, \$28." He paid that to me himself.

Q. Mr. Aldrich ?—A. Yes, sir.

Re-examined by Mr. WEBB :

Q. In regard to the bill of Mr. Aldrich of date of 6th February, \$21.10, that was charged to him on the books on the 6th of February ?—A. Yes, sir.

Q. What period of time was covered by that bill ?—A. I do not recol-

lect what rate we gave Mr. Aldrich at that time; it was after the Senatorial contest, and I know our rates were not quite so high then as they were before.

Q. The item of date of February 6, included in Mr. Merritt's bill, on page 3?—A. Yes, sir.

Q. Do you remember what rates you gave Mr. Merritt?—A. I do not know that I do.

Q. About how many days did that \$21.10 cover?—A. At our rates it would be about three dollars a day.

Q. That would be seven days, at three dollars a day?—A. I cannot say whether that was the rate or not.

Q. Then it would begin back about the 31st of January?—A. About that—

Q. You do not charge bills at the beginning, but rather at the end of the time?—A. For days past we charge.

Q. Then, Mr. Aldrich's bill must certainly have run back to the time of the Senatorial election?—A. Yes, sir; it was up to February 6.

Q. If you gave him better rates than \$3 a day it must have run back several days before the Senatorial election?—A. It would have been the last day of the Senatorial election at \$3 a day. I say I do not know what rate we did give him.

Q. Look at Mr. Aldrich's bill the very next date, "February 6, \$21.10," then a week afterwards "February 13, \$14?"—A. \$15.60.

Q. What was the \$14 for?—A. The charge is \$14, I see. That probably was for one week's board, at \$2 a day.

Q. From the 6th to the 13th?—A. Yes.

Q. Was not the other rate \$2 a day in the charge of February 6?—A. I could not say positively; it might have been, or it might not.

Recross-examined by Mr. EVEREST:

Q. Do you pretend to state as a fact that Mr. Merritt paid any of these bills on February 6? Is it not a fact that Mr. Merritt was garnisheed and assumed a debt that was due from the Tefft House and did not pay any money until after that matter was fixed up?—A. I do not know what you would call it. What I mean to say is that this \$21.10 was included in Mr. Ingalls's bill.

Q. I am talking about Mr. Merritt's bill; it is all charged to Merritt you tell me. I ask you, as a matter of fact, whether Mr. Merritt paid that money on the dates you have given credit for it, or whether it was actually paid after March 12 by reason of garnishee proceedings against the proprietors of the Tefft House?—A. That is a fact, but—

Q. The debt that he assumed, is it not?—A. We did not get our money from this bill at the time that we would like to have got it, from the fact that he was garnisheed. The proprietors of the Tefft House were sued and Mr. Merritt could not pay the money until the account was settled.

Q. Is it not a fact that, in order to stop the proceedings in court and the proceedings of garnishment against him, he assumed the debt upon which suit was brought against the proprietors of the Tefft House?—A. He did.

Q. When was it, as a fact, paid or settled, or adjusted?—A. About March 12.

Q. Then your books do not represent the true facts of the case, do they?—A. My books represent when the money was paid.

Q. When did the Tefft House receive any money from Mr. Merritt? Did they receive any money from him until March 12, long after the

Senatorial election was over, as a matter of fact?—A. Yes, sir; they received some money before that time from Mr. Merritt.

Q. How much?—A. \$200.

Q. Did they receive any more?—A. No, sir.

Q. Then all the rest of the money was paid after March 12, as a matter of fact?—A. Yes, sir.

Q. None of it was paid during the Senatorial fight, or until after that fight was over, except the \$200?—A. January 24 the \$200 was paid.

Q. Was any money whatever paid by Mr. Merritt to the Tefft House by reason of the bills you have spoken of, except \$200, until after the Senatorial contest was over and until after March 12?—A. You would have it right if you had said only after the Senatorial election; no money was paid until after the Senatorial election except the \$200.

By Mr. WEBB.

Q. Give the date of these payments. One payment of \$100 was made on February 1?—A. Yes, sir.

Q. And one payment made February 4, of \$511.10?—A. Yes, sir, and March 12, \$90.95.

Q. That payment of February 4, was by draft. Was that the draft you mentioned before as having been drawn by Mr. Merritt on John J. Ingalls?—A. Yes, sir.

JOHN D. KNOX, a witness called by the memorialists, sworn and examined.

By Mr. WEBB:

Question. Do you reside in the city of Topeka?—Answer. I do.

Q. Are you of the firm of J. D. Knox & Co., bankers?—A. Yes, sir.

Q. Were you engaged in the banking business last January?—A. Yes, sir.

Q. Are you acquainted with David Auld, the president of a bank at Atchison?—A. I am.

Q. Did you see him at any time this last January?—A. Yes, sir.

Q. Where did you see him?—A. He called two or three times at my bank.

Q. State what his business errand was as he declared it himself.—A. He asked for my book of private checks; that is, there are books printed and kept in the stationery stores on which drafts may be drawn by any person anywhere; he meant in contradistinction from the drafts he used as banker.

Q. State whether you let him have that book of blank drafts or checks.—A. I did.

Q. Did he come to your bank on more than one occasion?—A. He came two or three times. I will not be positive as to three; I am positive as to two.

Q. Was he alone or was any person in company with him?—A. There were some persons with him.

Q. Did he make any stay in the bank, and, if so, what room did he occupy; where did he go?—A. He occupied my farthest back room, a room that is pretty large and usually occupied when persons want to sit writing.

Q. Did the gentlemen with him accompany him into that room?—A. They did.

Q. State whether you know from any means whatever whether he used any of the checks from that book, whether he took any out of the

book.—A. I did not examine it very particularly, but I am satisfied that there were checks taken out.

Q. By him?—A. I did not see him take them out.

Q. While it was in his possession?—A. While it was in his possession.

Q. Did he present any check or draft at your bank to be cashed at that time?—A. There were none presented there.

Q. Were you at that time acquainted with or did you know by sight any of the gentlemen who came into the bank with Mr. Auld and went into your back room?—A. I do not think I knew any of them.

Q. They were strangers to you?—A. Yes, sir; some of the faces looked as if I had seen them before, but I could not tell who they were.

Q. You were familiar with members of the legislature?—A. Not many.

Q. You say it was in January. You may not remember, and yet you may, that the election for Senator took place on the last day of January—the 31st. Now, with respect to that day, state how shortly before that was it that Mr. Auld was in your place.—A. It was during the election; not after and not before.

Q. While ballots were being taken?—A. Yes, sir.

Q. How many men, according to your present recollection, came there with Mr. Auld at the different times and in the aggregate?—A. It seems to me there were only two the first time, and three or four—possibly not four, but, I think, three—the second time. I did not charge my memory with the number.

No cross-examination.

DANIEL R. WAGSTAFF, a witness called by the respondent, sworn and examined.

By Mr. WILLIAMS:

Question. Where do you reside?—Answer. At Salina, in this State.

Q. Are you acquainted with E. B. Purcell, of Manhattan, Kans?—A. I am.

Q. Did you ever see Mr. Purcell hand H. D. Baker a package of money during the Senatorial election last winter in Topeka?—A. I did.

Q. When and where?—A. In room No. 12 of the Tefft House, between nine and ten o'clock on the day of the election; I should think it was between nine and ten o'clock.

Q. In the morning?—A. In the morning.

Q. What was the amount of money handed him?—A. Seven hundred dollars.

Q. This was E. B. Purcell, of Manhattan, the banker, I believe, you stated?—A. Yes, sir; a banker and merchant there.

Q. For what purpose did he give that money to H. D. Baker?—A. I do not think there was anything said about that at the time he gave it to him. My understanding of it is all I could give. Mr. Purcell called me into the room and handed the money to Baker in my presence.

Q. In what shape was that money?—A. Five hundred dollars, done up in a package with a band around it, and the other \$200 was counted out of a large roll of bills.

Q. Did Mr. Purcell ever state to you for what purpose the money was given to H. D. Baker?—A. I talked to him about it afterwards, and he asked me to try to help him get the money back from the man it was given to, and in that conversation he stated to me what it was given for.

Q. What did he say it was given to Mr. Baker for?—A. For the purpose of securing the vote of Mr. Anderson, of Ellsworth County, for Judge Horton for Senator.

Q. He wanted you to help get the money back from Mr. Baker?—A. From Mr. Anderson.

Q. Did you ever have a conversation with Mr. E. B. Purcell with reference to his, Purcell's, furnishing money to Mr. Wait, of Lincoln, for his vote?—A. I did.

Q. State that conversation.—A. Mr. Purcell told me in his own house at Manhattan that he gave Mr. Wait \$100 for the purpose of securing his vote. I do not know that he said it in that language, but that was the purport of it.

Q. For whom?—A. For Horton.

Q. Where did he say he gave him the money?—A. I do not know where he said that he gave him the money. I had some information on that subject before, and that was how the conversation came up.

Cross-examined by Mr. WEBB :

Q. Was the conversation you had with Mr. Purcell at Manhattan?—A. It was, about the time of the adjournment of the legislature. I cannot give the exact time.

Q. Whereabouts in Manhattan was it?—A. In Mr. Purcell's residence.

Q. Who was present besides yourself and Mr. Purcell?—A. There was nobody in that room except him and me.

Q. Were you on your way home from Topeka?—A. Yes, sir; I was going home from Topeka at the time.

Q. Shortly after the adjournment of the legislature?—A. I do not know whether it had adjourned or not, but it was about that time.

Q. State what he said about Wait, of Lincoln, and the \$100; use his words as near as you can, and of course to that end state what you said to him and he to you.—A. I asked him if he gave Wait that money. I had some reason to believe Wait expected some money, and I asked him if he gave it to him, and he said he did.

Q. Did you ask him if he gave him a particular amount?—A. Yes, sir; I asked him if he gave him \$100, and he said he did.

Q. Did he state for what purpose the money was given to Wait?—A. I do not know that he did state specifically for what purpose it was given to him. I understood it from the other conversations I had heard on the subject that he was to have money on that morning.

Q. Did you understand this from Mr. Purcell, or from other persons?—A. I understood it before from other persons and him together, but at this time from him himself.

Q. I do not quite understand you. Did you understand it from anything Mr. Purcell said that day in that conversation at his house that money was given to Wait for the purpose of influencing his vote?—A. I understood, connecting that with what I had heard before, that it was given to him for that purpose.

Q. He did not say that?—A. I do not know that he did say so specifically that day.

Q. Did he tell you at any time when it was that he had given Wait the \$100?—A. I do not know that he did state when it was.

Q. Then, from anything you know in that regard, it might have been before the legislature convened?—A. No, sir.

Q. Did he in any manner indicate the period of time when he let Wait have the money?—A. If you will permit me to explain that, I will do it.

Q. I do not want any explanation. Did he indicate to you when it was that he let Wait have the money?—A. I do not know that he did

by the conversation he had himself, but I understood from other circumstances.

Q. I do not want other circumstances.—A. I would not say that he did.

Q. From anything that he said to you at any time he might have let him have the money before the adjournment of the legislature?—A. That is not what you said before. You said before, “before the legislature convened.”

Q. That is what I mean to say now, and I put it in that form—before the legislature convened?—A. I asked him in that conversation if he let Mr. Wait have the \$100, and he said he did.

Q. From anything that Mr. Purcell said to you concerning the \$100 given by him to Wait, he might have given it to Wait before the legislature convened?—A. That is, in this conversation at Manhattan; yes, sir.

Q. That is the one event referred to. Now you say that you saw Mr. Purcell hand Mr. H. D. Baker \$700?—A. Yes, sir.

Q. In what room was it?—A. In room 12 of the Tefft House.

Q. What was the hour?—A. I should think between nine and ten in the morning. I would not be certain of that, but I think about that time.

Q. What was the purpose for which that money was given to Baker?—A. I have already stated that Mr. Purcell afterwards asked me to help get that money back from Mr. Anderson. I understood, though I do not know that it was stated at the time, that it was for the purpose of securing Mr. Anderson's vote for Judge Horton.

Q. Harry T. Anderson?—A. Yes, sir; Mr. Anderson of Ellsworth County.

Q. Were you up all night—the night before the final vote?—A. No, sir; I do not think I was the whole night. I do not remember certainly whether I was or not.

Q. Do you remember what time you got up in the morning?—A. I do not.

Q. Where did you room?—A. My room was with Colonel Phillips. I do not remember the numbers.

Q. At the Tefft House?—A. Yes, sir.

Q. Do you remember the time you got up and got breakfast?—A. I do not remember the time I got breakfast.

Q. This was the morning of the 31st of January?—A. It was the morning of the election; I do not remember the date definitely.

Q. You were up very late the night before?—A. I was up until some time after the caucus adjourned, pretty late, three or four o'clock in the morning.

Q. You certainly went to bed?—A. I think I lay down a little while with my clothes on. I do not think I undressed at all.

Q. Can you fix a time nearer than between nine and ten? Was it not nearer ten than it was nine that this transaction occurred that you saw between Baker and Purcell?—A. I cannot fix it any closer than that. I think it was between nine and ten o'clock. It may have been as late as ten; it may have been a little later than ten; but I should think it was between nine and ten. That is my recollection of it.

Q. Might it not have been as late as eleven o'clock?—A. I do not think it could have been that late in the day.

Q. About how long was it before the legislature was to convene for the purpose of voting?—A. I should think it was from one to two hours probably two hours, before the legislature convened.

Q. Who was present besides yourself, Baker, and Purcell ?—A. There was no one else in the room.

Q. The money you saw was a package of \$500 ?—A. One package, with a band around it, of \$500, and the other was taken out of a large roll of bills.

Re-examined by Mr. WILLIAMS :

Q. For whom were you and Mr. Purcell and H. D. Baker working for Senator at that time ?—A. I was in favor of Judge Horton at that time myself, and supposed the other gentlemen were.

Q. Your understanding was that Baker and Purcell were working for Judge Horton ?—A. Yes, sir.

By Senator CAMERON :

Q. Please state what information you have in regard to the time the \$100 was paid by Purcell to Wait, prior to the time you had the conversation with Purcell at Manhattan.—A. When I was going into the door of that room at that time, a gentleman came to Mr. Purcell and spoke to him. He said, "I want you to save \$100 for Wait." That was at the time Baker, Purcell, and myself were going into that room.

Q. Do you know who that gentleman was ?—A. I would not be positive who it was. I think I know who it was.

Q. State according to your best recollection.—A. I think it was general McDowell, of Jefferson County.

By Mr. WILLIAMS :

Q. Former United States marshal ?—A. I do not know whether he was ever marshal or not ; I do not remember.

By Senator BAILEY :

Q. Was General McDowell a member of the legislature ?—A. No, sir ; I think not.

By Senator CAMERON :

Q. Which candidate was he at that time favoring for United States Senator ?—A. I have but little acquaintance with him, and I do not know anything about whom he was for, excepting from that conversation.

By Mr. WILLIAMS :

Q. Did you see Purcell and Wait go into the room together shortly afterwards ?—A. I saw them at the door of the room shortly after.

By Mr. EVEREST :

Q. Who paid Baker's board bill ?—A. I paid his board bill until after the Senatorial election myself. He roomed with me.

JAMES R. HALLOWELL, a witness called by the respondent, recalled for further examination.

By Mr. EVEREST :

Question. Did you hear the testimony of William Higgins as to conversations had with him about the appointment of yourself as United States district attorney for the district of Kansas ?—Answer. I did.

Q. Please state to the committee with regard thereto.—A. I had two or three conversations with Mr. Higgins last fall in regard to the United States Senatorship. I do not remember the particular conversation that he speaks of. I remember having one conversation with him in Columbus. My memory is that it was some time in the fore part of October, in which the question of United States district attorney and United States

Senator, and so on, was talked over between us. Mr. Higgins and myself have been very friendly for a long time, and my memory is, that in that conversation I asked him if he knew that Mr. Peck was going to resign or not, and he said he did not. I never authorized Mr. Higgins to make any arrangement with Mr. Ingalls for me or for any one else; and I will state further, that at that time I was at work trying to secure the election of members of the legislature from my own county who were friendly to Mr. Ingalls, and I had met Mr. Ingalls before that time, even before the time that Mr. Higgins fixes the date of our conversation. I had a conversation with Mr. Ingalls on a matter of business, being the attorney of the defense committee of the Cherokee neutral lands, and at their instigation met Mr. Ingalls at Atchison on the 14th of August to make an arrangement to have him go to Washington for the purpose of securing from the Attorney-General an order in behalf of that committee to have the suit brought in the name of the United States to test the title to those lands on the sale to James F. Joy. I was there for that purpose. I arrived at Atchison late in the evening and remained there, my memory is, until the next afternoon, and was with Mr. Ingalls that evening, was with him the next day, and in fact I may say we were together five or six hours while I was there. In addition to that, I had been in constant correspondence with Mr. Ingalls for a year or two. My election to the Senate took place in 1876 instead of 1878. I correct that statement. I think from what Mr. Higgins said the inference would be that I was elected last year, but I was elected in 1876, and I was supported at that time by friends of Mr. Ingalls, in my county, with the understanding that if everything was equal, and nothing occurred to change my mind in regard to Mr. Ingalls, I would support him for re-election. Mr. Ingalls had quite a number of friends in my own county.

I want to state further, in regard to Mr. Simpson, as there was a question asked me the other day, when on the witness stand, in regard to Mr. Simpson, that I have been for eight or nine years a very warm personal friend of Simpson. I had discussed the Senatorial question with him, knowing that he expected to be a candidate in case he had any show to be elected. I have several times discussed that proposition with Mr. Higgins. He did not think Mr. Simpson had any show of election; neither did I; but, as I stated the other day, I was ready to support Mr. Simpson if there was any show, and he was my second choice all the time. I will state further that I supported Mr. Ingalls after thorough conversation and understanding with Mr. Simpson.

Q. Did you ever receive any such letter from Mr. Higgins as he has testified to?—A. I do not think I did. I had a conversation with Mr. Higgins the other day, in which he spoke of that letter. Since that time I was called down to my county on some business, and I examined all the letters on file, and I cannot find such a letter, and I am satisfied that if I had such a letter it would be there, because I have all his letters running through a long correspondence ever since he has been at Parsons. He was formerly a resident of our county. I found a letter from Mr. Higgins dated the first day of October, in which he spoke of meeting Mr. Ingalls at Neosho Falls, and having a conversation with him, but did not state to me at all what that conversation was.

By Senator VANCE:

Q. Have you that letter?—A. I have. It was written on some other private business, and there are only two or three lines in reference to Mr. Ingalls. I am perfectly willing the whole letter shall be seen.

(The witness produced the letter.)

By Mr. EVEREST:

Q. Was that the first time you received any letter notifying you of the information that Mr. Higgins had seen Senator Ingalls at Neosho Falls?—A. The first time.

Q. If he had written to you a letter on the 26th day of September, informing you that he had seen Senator Ingalls at Neosho Falls, it would hardly be probable that he would mention it again in a letter of October 1?—A. I should think not.

Q. You say that was the first information you had from him, by letter, of his meeting Senator Ingalls at Neosho Falls?—A. It was the first information, at least that is my memory now, because I have examined carefully my files of letters that I received from Mr. Higgins.

Q. I believe you have stated that you never, at any time, had any understanding with Senator Ingalls that you were to be appointed United States district attorney for the district of Kansas until after the Senatorial election?—A. That is what I stated before, and I so state now.

Cross-examined by Mr. RIGGS:

Q. You do not mean to be understood that this letter speaks of his (Higgins) having met Senator Ingalls at Neosho Falls?—A. No; it does not say "at Neosho Falls."

Q. From what point was that letter written; from Parsons?—A. Yes, sir.

Q. Read the clause that refers to Mr. Ingalls.—A. "I saw Ingalls and had a square talk with him on matters. I think we can accomplish something." I think it is but fair it should be understood what this letter referred to.

Re-examined by Mr. EVEREST:

Q. State what that meant, if you know.—A. At that time we were in considerable trouble as to whether we could carry our county, and we carried the county simply by a plurality. The opposition, both Democrats and Greenbackers, were very strong. We were making arrangements about moving a paper from Empire City to Baxter Springs, and the letter that I wrote to Mr. Higgins—this was an answer to one I wrote him—was in reference to some passes for my wife over the railroads from Hannibal, Mo.—she was then in Indiana—and also upon the subject of the removal of that paper from Empire City to Baxter Springs. We were having quite a fight there to save two of our representative districts.

Recross-examined by Mr. RIGGS:

Q. Is there a word said about the removal of that paper prior to that expression in relation to Mr. Ingalls?—A. I do not think there is.

Q. If there is anything about the removal of the paper, it follows in the letter?—A. It follows, and is discussed at considerable length.

By Mr. EVEREST:

Q. The matter of carrying the election and removing the paper is discussed in that letter?—A. Yes, sir.

The CHAIRMAN. Do counsel for the memorialists under any contingency propose to use the testimony of Mr. McClintick before the legislative committee?

Mr. RIGGS. We do not.

The CHAIRMAN. Counsel for the respondent can take the option of putting Collins and Shadduck on the stand, who are subpoenaed on that matter, or discharging them after that statement.

Mr. EVEREST. If the other question was disposed of we could know what to do with them.

Mr. RIGGS. We make the reservation that if Mr. McClintick shall be able to appear we may take his testimony; and if not, we are willing to admit the printed testimony before the legislative committee on the subject of offers to him. With the understanding that the testimony of the three or four witnesses we shall name touching his statements to them will be received on the same terms, we offer the testimony of Mr. McClintick as taken before the legislative committee. That gets the case before this committee.

The CHAIRMAN. You can make the offer of that testimony. This committee will make no bargain with counsel on one side or the other as to what they will do hereafter on that matter. You can make your proposition to introduce him hereafter and we shall consider it. If you see proper to introduce that evidence now, and shall hereafter want to examine Mr. McClintick, you can submit your proposition to the committee.

Mr. WILLIAMS. I should like to suggest that until it is definitely determined whether or not these gentlemen intend to read the testimony of Mr. McClintick, we ought not to be compelled either to use or discharge the witnesses we have here on that point.

Mr. RIGGS. We make the offer now to let the testimony of Mr. McClintick as taken before the legislative investigating committee go in if, in connection with that, the testimony of the witnesses Puterbaugh, Coates, and Tolle, examined on the same subject-matter, and for whom we have taken no subpoenas, goes in with it.

The CHAIRMAN. If we admit a part of it we have a right to let it all in.

Mr. EVEREST. That is satisfactory to us. It can be read and taken down by the stenographer—the testimony of Mr. McClintick, Mr. Coates, Mr. Puterbaugh, and Mr. Tolle.

The counsel for the memorialists offered in evidence the following testimony taken before the committee of the house of representatives of the legislature of Kansas, viz:

FEBRUARY 20, 1879.

GEORGE W. MCCLINTICK, having been sworn, says:

My name is George W. McClintick; I reside in McPherson County; I am a member of the present house of representatives; represent the ninety-ninth district.

Question. State what you know, if anything, concerning the payment of, or promise to pay, money or other valuable consideration, to you or to any other member of the house, to influence your vote, or the vote of any other member of the house, in the late Senatorial election.—Answer. I do not care to make any statement, but I will answer any question that may be asked, except the question heretofore refused to be answered.

Q. Who was the man that said you could get the \$300?—A. I refuse to answer.

By Mr. HALL:

Q. Did any part of this conversation take place in Mr. Ingalls's room?—A. No, sir; the nearest point to Mr. Ingalls's room was on the stairs.

Q. Where was the \$300 offered to you?—A. About the middle of the block.

Q. Who was it that offered you the \$300?—A. I refuse to answer.

Q. Who is the man referred to in your former testimony, who you say offered you \$300 for your vote for United States Senator?—A. I refuse to answer.

Q. What is the name of the man that you have testified in your former testimony offered you \$300 for your vote for United States Senator?—A. I refuse to answer.

Q. Was either of the men who offered you the \$300 or the \$500 a candidate for United States Senator, or a member of the present house of representatives?—A. No, sir.

Q. Did you ever tell John Puterbaugh the name of the man who offered you the \$300 for your vote for Mr. Ingalls for United States Senator?—A. I don't think I ever did.

The above testimony of G. W. McClintick was written down at the time it was given.

and in our presence and hearing read over to the witness, and he stated the same was the testimony he had this day given before this committee.

A. M. F. RANDOLPH, *Chairman*.
A. W. CALLEN.
JOHN HALL.
J. H. KELLER.

FEBRUARY 28, 1879—7.30 p. m.

GEORGE W. MCCLINTICK, being recalled, and further examined, testified as follows:

Question. State the name of the man who offered you, prior to the election of United States Senator, \$300, and the name of the man who offered you \$300 to influence your vote for United States Senator. State fully.—Answer. The name of the man that offered me the \$300 was Merritt; he said that he had been led to believe that I was favorable to Mr. Ingalls, and that in case I voted for Mr. Ingalls, I ought in right be paid for the expenses I had incurred in the election. He asked me how much I thought that was. I told him that probably the loss and business expense of election amounted to \$500 or \$600. He stated that he thought that was rather steep; that he thought \$300 would be plenty. He never paid me the \$300, or any part of it. I think the last statement he made to me that night was, "I want you to understand that this money don't come from Mr. Ingalls, but comes from a fund that has been made up outside." The name of the man that said that he was authorized to offer me \$800 to vote for Mr. Ingalls, I think, is Shaddock; he lives at Hutchinson. I never saw him until I met him here; he didn't show me any money, nor pay me any; he said that they needed just five votes, and those five votes could get \$300 apiece. I told him I wouldn't vote for Ingalls under any circumstances, and that I was sorry to see him working with that crowd. I talked with him probably half an hour after that, and can't recollect what all was said; afterwards he turned out and worked for Horton; and he told me he would go and talk with Martin, of Kingman, and Lawson, of Reno County, and see if he couldn't get them to vote for Horton. I don't remember, in my former statement, as to the time when this conversation occurred; but I now know that it was on the morning of the Senatorial election. I never took any sum of money from any person to influence my vote for Senator, or as election purposes, or any other purpose.

By Mr. HARTSHORNE:

Q. Where were you at the time this alleged conversation took place with Mr. Merritt?—A. It was during the walk from the Tefft House around this block, and in front of and at Zimmerman's saloon.

Q. What was the date of the interview with Mr. Merritt?—A. I think it was the Friday or Thursday of the week before the Senatorial election.

Q. State whether in your conversation you led him to believe that you were favorable to Mr. Ingalls.—A. I think probably I had; I had told him before that, that the Republicans of my county were favorable to Mr. Ingalls, and had been urging me to vote for him.

Q. State whether this last conversation had occurred previous to his offer to have you remunerated for your expenses and loss in the election.—A. Yes, sir.

Q. State whether Mr. Merritt asked you, in consideration of the payment of your expenses in the election, to vote for Mr. Ingalls for United States Senator, or whether the offer was made on the hypothesis that you were expecting to vote for Mr. Ingalls at any rate.—A. My idea was that if I agreed to vote for Mr. Ingalls I was to have \$300 as election expenses.

Q. What reply did you make to Mr. Merritt when he said to you that he had been led to believe that you were favorable to Mr. Ingalls?—A. I told him that I had come here intending to vote for Mr. Phillips, or some Greenbacker, first, and next for Mr. Ingalls.

Q. Was it in reply to that remark of yours that he said you ought in right to be paid for the expenses you had incurred in the election if you voted for Mr. Ingalls?—A. Yes, sir; I think that is the way the conversation came about.

Q. Did ever Mr. Merritt make you any other offer?—A. No, sir.

Q. Did Mr. Shaddock himself make a direct offer to you for your vote for Mr. Ingalls, or did he merely say to you in the course of conversation that you could get \$300 for your vote if you would vote for Mr. Ingalls?—A. As near as I can remember, I think he stated that he was authorized to say that I or anybody else could get \$300 by voting for Mr. Ingalls.

Q. State whether or not he stated to you who it was who authorized him to make that statement.—A. He didn't tell me, and I didn't ask him.

Q. Did he ask you personally to accept the offer of \$800 for your vote, and to vote for John J. Ingalls for that consideration?—A. He didn't say that he would, but that I could get it.

G. W. MCCLINTICK.

TOPEKA, *March 3, 1879.*

GEORGE W. MCCLINTICK, recalled, and testified as follows :

I never stated to N. H. Coates, while he was in Topeka or any where else, that I had received \$500 or any other sum to influence my vote in the late Senatorial election.

Question (by COATES). Did you ever tell any one that you received money to influence your vote in the late Senatorial election?—Answer. I did not.

G. W. MCCLINTICK.

TOPEKA, KANS., *February 20, 1879—9 a. m.*

Committee met pursuant to its order of adjournment. Present, Randolph, chairman, Hartshorne, Hall, Keller, and Callen.

Whereupon Mr. JOHN PUTERBAUGH was announced as a witness.

JOHN PUTERBAUGH, being sworn, says :

My name is John Puterbaugh; reside at Newton; am register of deeds of Harvey County.

Question. You may state whether you are acquainted with Geo. W. McClintick?—Answer. I am.

Q. How long have you known him?—A. I have known him for two or three years by reputation; personally, only this winter, since the legislature has been in session.

Q. You may state whether you were here during the late Senatorial election.—A. I was here for two weeks during the canvass—the week of election, and the week previous.

Q. You may state what conversation, if any, you had with Geo. W. McClintick concerning the use of money, payment or promise of money or other valuable consideration, to influence the vote of any member of the house to vote for United States Senator.—A. The week previous to the election, on Thursday night, Mr. McClintick and I were to the theater together. Mr. Collins, from Hutchinson, a cattle man, called Mr. McClintick out. They were gone about fifteen minutes, and Mr. McClintick returned. After the theater was out, Mr. McClintick and I went to the Teft House. He took me around the rear of the house, on the outside, on the south side. He stated to me that he had great confidence in me, and wanted some advice from me. He stated that he had been offered three hundred, and he probably could get five hundred, to vote for Mr. Ingalls. He asked me if I thought he had better take it, and then vote as he pleased. I told him that he was a young man, and had a good start in life, and that if he took the money it would be a stigma upon his character as long as he lived. I advised him to not take the money under any consideration. He said that he thought my advice was good, and that he would go and tell them that he would not take the money. He left me there and went into the Teft House, and I saw nothing more of him that night.

Q. Did Mr. McClintick tell you at what place the money was offered, or where they were when he informed them that he would not take the money?—A. He did not; he said that it raised quite a commotion in the Ingalls camp when he told them. He didn't tell me in what room the offer was made.

Q. Did Mr. McClintick ever tell you who offered him the money?—A. I do not recollect that he did, positively.

JOHN PUTERBAUGH.

FEBRUARY 23, 1879—2 o'clock p. m.

Committee met pursuant to adjournment. Present, Randolph, chairman, Hall, Callen, Keller, and Hartshorne.

N. H. COATES, being sworn, says :

Question (by the CHAIRMAN). State your name, residence, and occupation.—Answer. My name is N. H. Coates; I live in McPherson County, Kansas; am a farmer.

Q. Are you acquainted with Geo. W. McClintick, member of the house from McPherson County?—A. I am.

Q. State what, if anything, you have heard Geo. W. McClintick say concerning the payment, or promise to pay to him, money or other valuable consideration, in the late Senatorial election?—A. On last Wednesday a week ago, myself, Mr. Walbridge, and Mr. Tolle were here, and met Mr. McClintick at the Poppendick House. We started then to the State-house. As we were walking down here, south of the Teft House, I said, "George, why didn't you go in for a part of that Ingalls money?" And he said, "I did have \$500 of it in my pocket over night." I then said, "I guess, then, you showed it down"; and said he. "I put it where it will never do them any good," or, "They will never see it again," or something to that effect. This was all the conversation we had, except he said, "They have got me subpoenaed before the committee, but they can't make me tell anything here, but they can at Washington." He didn't tell me who paid him the money. This is all, in substance, I ever heard him say about

it. At the time of this conversation, Mr. Tolle and Mr. Waldrige were walking just in front of us.

N. H. COATES.

TOPEKA, March 3, 1879—7.30 p. m.

Committee met pursuant to its order of adjournment. Present, Messrs. Randolph, chairman, Hartshorne, and Callen.

N. H. COATES, being recalled, testified as follows:

Question (by McCLINTICK). You state in your testimony that you said to McClintick, "George, why did not you go in for a part of that Ingalls money, and he (McClintick) said, 'I did have \$500 of it in my pocket over night.'" Are you certain that I said that?—Answer. I am.

Q. Might it not have been that I said to you that such statement was published in the Kansas City Times?—A. There was nothing said about any paper at all at that time.

Q. You state in your testimony that I said I shoved it down, and said that I put it where it never would do them any good, or they will never see it again. Didn't I say that money got in that way would never do anybody good?—A. I don't remember of hearing anything of the kind.

Q. You state this was all the conversation we had at that time, except that I said, "They have got me subpoenaed before the committee," etc. Don't you remember, a day or two after you reached here, yourself, Mr. Tolle, Mr. Woolridge, and myself had a conversation at the front of the saloon in this block (Zimmerman's), and that there I stated, in answer to a question of Mr. Tolle, that I believed money had been used, and that I had been offered money?—A. I did not hear any such conversation.

Q. What business brought you down here at that time?—A. I can't say that I had any business here at all.

Q. Did you not tell one of your neighbors, before you left home, that you were coming down here to try and get some money out of the Santa Fé Railroad men for working up that railroad proposition?—A. No, I did not. I said, if those Newton fellows had any money made up to defeat our bond project, I would take all I could get of it.

Q. Did you write a letter to Geo. W. Sweesy, asking him to send you money to work against the railroad bonds?—A. I don't remember whether I wrote for him to send it to me or to another party.

Q. You acknowledge that you wrote the letter asking for money?—A. I wrote I understood they had money made up to defeat the bonds, and if they had, to send it up.

Q. Did you work for the bonds at the bond election?—A. I did.

Q. Did you get any money from the man that you wrote to?—A. I did not.

Q. What conversation did you have with Senator Ritchie, when you were down here, about this investigation and myself? I mean in regard to your being a witness here.—A. There was nothing said while we were down here about my being a witness, but I made a few statements to him, what I had heard. The next thing I heard from it he was up to our place, and said that they wanted us here before the committee.

Q. State if you told Mr. Ritchie that you would come down here and testify to something that would hurt my reputation at home.—A. I don't remember of having that conversation with him or any one else.

Q. Did Ritchie pay you anything for coming down here?—A. No, sir; he did not.

Q. Would you have kept the money if you had got any from those Harvey County fellows?—A. I presume we would have kept it among us.

Q. Did you approach any person here in Topeka for money to work against the railroad proposition?—A. No, sir. I was talking with Jim Gevry.

N. H. COATES.

FEBRUARY 28, 1879—2 o'clock p. m.

S. F. TOLLE, being sworn and examined, says:

Question (by the CHAIRMAN). State your name, residence, and occupation.—Answer. My name is S. F. Tolle; I live in Roxbury, McPherson County, Kansas; am a farmer.

Q. Are you acquainted with George W. McClintick, member of the house from McPherson County?—A. I am.

Q. State what, if anything, you have heard Geo. W. McClintick say concerning the payment of, or promise to pay, money to him, or other valuable consideration, in the late Senatorial election, to influence his vote.—A. I was here in Topeka last week from Monday until Thursday, and had a conversation with Mr. McClintick, in which I asked him if there was money paid in that election. He said he knew there was; he presumed there was money offered to every seedy-looking member of the house. I then

asked him if there was any offered to him, and he said that there was. I asked him how much; he said, \$500. He then stated to me that he wouldn't tell who the person was that offered it to him, and then said he wouldn't tell it before this committee, but that if he went to Washington, he would have it to tell. This is the substance of all I ever heard him say about it.

S. F. TOLLE.

CHARLES COLLINS, a witness called by the respondent, recalled for further examination.

By Mr. EVEREST:

Question. Where do you reside?—Answer. In Reno County.

Q. Do you know George W. McClintick of McPherson County?—A. I do.

Q. Have you had any conversation with him since the election of United States Senator last winter in regard to that election?—A. I have had.

Q. In that conversation what, if anything, did Mr. McClintick say to you about having been paid money for his vote by Ingalls or any of his friends?—A. I met him on the street and asked him if he had not understood that he was charged with having \$500 of Ingalls's money for his vote. He said he understood there was such a conversation around. I asked him if it was true. He said he never had received a dollar of Mr. Ingalls's money, nor his friends'; and had not been offered a dollar.

Q. Did he characterize that as a damned lie, or words to that effect?—A. He said it was a damned lie if any body said so.

Cross-examined by Mr. WEBB:

Q. You say you met Mr. McClintick on the street?—A. Yes, sir.

Q. In this city?—A. Yes, sir.

Q. Whereabouts on the street?—A. On Kansas avenue.

Q. Whereabouts?—A. Between Giles's bank and the next corner this way.

Q. On which side of the street?—A. On the same side the bank is on.

Q. On the east side, the opposite side to this?—A. On the same side with Giles's bank, the west side of the street.

Q. This way from Giles's bank?—A. We were both walking down this way to Poppendick's, on that side of the street.

Q. Where is Giles's bank?—A. I think in front of the Tefft House. That is what I call Giles's bank.

Q. That is Prescott's bank.—A. I thought it was Giles's bank.

Q. Then you met him between Prescott's bank and the post-office?—A. I think along there I overtook him. He was a little ahead of me when I left the corner, but I caught up with him about the middle of the block, and we walked on down to Poppendick's together.

Q. When was that?—A. It was the next day after the Senatorial election.

Q. What time of the day?—A. Along toward evening.

Q. You say on the next day after the Senatorial election?—A. Yes, sir.

Q. The Senatorial election was on Friday. Do you mean that day, or the following day, Saturday?—A. I think it was on Saturday, but I would not be positive whether it was not the same day in the evening that the vote was taken, or on Saturday. I know it was after the vote was taken. It might have been Friday, and it might have been Saturday. I would not be sure as to that, but I know it was after the vote was taken.

Q. Was any one with you?—A. No, sir.

Q. That was before the house had ordered an investigation into the election?—A. Yes, sir.

Q. Do you not know that Mr. McClintick after that was before the committee of investigation ordered by the house of representatives, and testified under oath that he had not been offered money to influence his vote?—A. I do; that is, I read the testimony.

Q. The statement he made to you was on the same day that the final vote was taken, when you asked him if he knew it was rumored that he had been offered money for his vote, and he simply denied it with emphasis—that it was not true that he had been offered it?—A. Yes; he said he had never received a dollar or had been offered a dollar by Ingalls or his friends.

ROBERT B. SHADDUCK, a witness called by the respondent, sworn and examined.

By Mr. WILLIAMS:

Question. Where do you reside?—Answer. I reside near Hutchinson, Kaus.

Q. Were you acquainted with George W. McClintick, of McPherson County, during the last Senatorial election in Kansas?—A. I was.

Q. Did you ever at any time offer him \$800, or any other sum of money, for his vote for Mr. Ingalls or for anybody else for United States Senator?—A. I never did.

No cross-examination.

Mr. RIGGS. We introduced one witness as to Oscar G. Richards. I will now state that we do not propose to introduce any further evidence as to him. That witness disappointed us in his testimony.

Mr. EVEREST. If the charge as to Mr. Richards is withdrawn, and the other side do not intend to introduce any evidence upon it, it is not necessary for us to call Mr. Richards; he may be discharged.

The committee took a recess until half past 2 o'clock p. m., and resumed its session at that hour.

JACOB K. HUDSON, a witness called by the memorialists, affirmed and examined.

By Mr. WEBB:

Question. You reside in this city?—Answer. Yes, sir.

Q. And did last winter?—A. Yes, sir.

Q. State whether you are at present one of the editors and publishers of the Daily Capital.—A. I am.

Q. Are you acquainted with James F. Legate?—A. Yes, sir.

Q. How long have you known him?—A. I have known him for eight or ten years.

Q. Have you been on friendly and somewhat intimate terms with him?—A. For the last four or five years I have known him very well.

Q. I call your attention to the day on which the final vote was taken for United States Senator. Were you at the capitol on that day?—A. I was.

Q. Directly after the adjournment of the house, of which Mr. Legate was a member, on that day, had you any conversation with him?—A. I had. Do you want the conversation stated in detail as it took place?

Q. Whereabouts did the conversation occur?—A. It was on the road from the capitol to Crawford's restaurant.

Q. How soon was this after the house adjourned?—A. I met Mr. Legate on the upper landing in front of the capitol about twenty minutes after the adjournment, and I walked down the street with him.

Q. Did you walk with him all the way from the capitol as far as Crawford's restaurant?—A. I did.

Q. And that is within about a hundred feet of the Tefft House, is it not?—A. A little more than that, probably.

Q. A hundred and fifty feet from the Tefft House, not over that?—A. About that.

Q. In that walk was any reference made by you to him or by him to you to the Senatorial election just then concluded and the means by which the election was accomplished?—A. There was some conversation between us.

Q. State that conversation as concisely as possible.—A. As we came out of the capitol building—I do not remember certainly whether Mr. Legate was in front of me coming out or just immediately behind me—he spoke of having a lame foot or leg, and said he would lean upon me going down the steps. He put his hand upon my shoulder, and we walked down the stairway of the portico, the stone steps. As we got to the bottom, or possibly on the way down, I said to him, "What do you think of it?" referring to the election. Mr. Legate replied that it was the damndest corrupt election he ever saw in Kansas.

Q. Go on.—A. Mr. Legate was an Anthony man, and so was I. We talked mutually about it. During the conversation I said to him: "Do you think that evidence of corruption can be traced?" He said: "I saw money pass on that floor myself." I asked him, as he was present at the Caldwell election and so was I, how it compared with the Caldwell election in his judgment. He said it was tenfold worse.

Q. In what respect?—A. As to the corrupt means used to secure an election.

No cross-examination.

DANIEL A. RUDOLPH, a witness called by the memorialists, sworn and examined.

By Mr. WEBB:

Question. Do you reside in this city?—Answer. Yes sir.

Q. How long have you resided here?—A. Not quite two years.

Q. Are you acquainted with a gentleman known as Col. A. C. Dawes?—A. I am.

Q. How long have you known him?—A. Ten or twelve years.

Q. Did you see him here last winter?—A. I did.

Q. About what time?—A. It was during the meeting of the legislature.

Q. Before or after the Senatorial election?—A. Preceding the Senatorial election.

Q. Before they commenced voting?—A. Yes, sir.

Q. About how long before they commenced voting for Senator?—A. I cannot say. I think it was just before the final election. It was in the fore part of the same week that the Senatorial election was.

Q. State whether yourself and Colonel Dawes have been friends.—A. We have been friends for years.

Q. Had you any conversation with him, while he was here, concerning the Senatorial election?—A. We had some conversation.

Q. Where did that take place?—A. In front of the Tefft House.

Q. Was it a conversation in which reference was made to Mr. Ingalls?—A. Yes, sir; and to the Senatorial contest.

Q. State what that conversation was, giving what you stated to Colonel Dawes and what he said in reply.—A. When I met Mr. Dawes, after passing the compliments of the day, I asked him whom he represented in the fight, meaning the Senatorial contest. He said he represented the Kansas City, Saint Jo. and Council Bluffs Road. I asked him whom he was for. He said he was for Ingalls. I said: "Are you going to make it?" He said, "We have got to make it," and said, "We have got them, sure." Said I, "How much is it going to cost you?" "O," he said, "about ten thousand." I said, "Where are you going to get your money back?" "O," he said, "we will get all that back, more too." That was about our conversation.

Q. Did he say anything about himself having brought any money over here?—A. I believe he did.

Q. What did he say in that regard?—A. He said they had that much money to spend in the contest.

Q. Did he say whether he himself had brought any money here?—A. I inferred that from what he said.

Q. How much?—A. \$10,000.

Q. Did he state to you whose money it was?—A. No, sir; he did not.

Q. You understood him to say, and he did say, that he was here advocating the election of Senator Ingalls?—A. Yes, sir. I inferred from what he said that his work came from the railroad company.

No cross-examination.

GEORGE S. SMITH, a witness called by the memorialists, affirmed and examined.

By Mr. WEBB:

Question. Do you reside in the city of Atchison?—Answer. I do.

Q. What is your present business?—A. Salesman in the dry goods establishment of D. C. Newcomb.

Q. Were you a salesman in Mr. Newcomb's store directly after or about the time the legislature adjourned last winter?—A. I was.

Q. Were you such salesman there on the last of January and first of February?—A. I was.

Q. Are you acquainted with a man by the name of Ballard, who represented one of the districts of Washington County in the last house of representatives?—A. I am not acquainted with him. I had an introduction to a gentleman who I understood was Ballard, but I had forgotten his name.

Q. When was that introduction?—A. About a year and a half ago, I think.

Q. Did you see that man in Mr. Newcomb's store about the first day of February, the day after the Senatorial election?—A. I do not remember seeing him on that day.

Q. Or any day about that time?—A. I think not. I saw him once or twice since.

Q. How long after the Senatorial election?—A. It is several months since. I think I saw him a month, probably six weeks, ago.

Q. State whether you recall the circumstance of some man going into Mr. Newcomb's store very shortly after the final vote had been taken for Senator, during the evening of that day or the next day, or soon afterwards, and making some purchases—a man who at the time you understood to be a representative from some of the western counties, who, when he undertook to pay for his purchases, and did pay for them, took out of his pocket a large roll of money, several hundred dollars, threw

it on the counter, that you picked it up and examined it, and put it in his pocket, and that then he took from his pocket another roll. Do you remember a circumstance like that?—A. A circumstance like this occurred. I do not know whether that was the day. Very early in the morning a very large man came staggering into the store. I did not know who he was, or whether he was a member. We were very busy. He made some purchases to a small amount; he was too drunk to make his own change, and he pulled out some money and shoved me out of it the money that was coming to me. He was a man who, I suppose, would weigh 225 pounds, and in a drunken way he said, "That is my Topeka money"; and he put his money in his pocket and went off. Who the man was I do not know. I never saw him before or since, that I know of.

Q. Do you not know that that man was a member of the Kansas legislature?—A. No, sir; I do not.

Q. Was it not your understanding then, and is it not now, that he was a member of the Kansas legislature?—A. No, sir; I was acquainted with but very few members of the legislature, and so I do not know. I just gathered that from his own remark. He was rather a rough looking man, a large man.

Cross-examined by Mr. EVEREST:

Q. (Indicating Mr. D. E. Ballard.) Is that the gentleman?—A. No, sir; that is not the man. That is the gentleman that was introduced to me about a year and a half ago.

Q. Not the man who was drunk in your store?—A. No, sir.

ALBERT H. HORTON, a witness called by the memorialists, sworn and examined.

By Mr. WEBB:

Question. Has your attention been called to any testimony given before this committee by one Charles S. Aldrich, in which your name was mentioned?—Answer. I was in Saint Louis on Saturday upon some business, intending to remain there until Wednesday, but on looking at the papers yesterday morning I saw some telegraphic report of the proceedings of this committee, amongst other things, that one Mr. Aldrich said that Mr. Pomeroy had loaned me \$6,000. It was rather surprising, and the story was silly, but still I thought I ought to come up here and deny it, and I returned at once on purpose so to do. Mr. Pomeroy did not loan me \$6,000, or one cent, or any other sum of money, and if anyone is acquainted with Mr. Pomeroy's embarrassed circumstances during the past year he would know that Mr. Pomeroy could not loan any body any money; and I think it was with a great deal of difficulty that he paid \$250 for his rooms. I understood he paid that. There has been a large number of creditors very vigilant and watchful to see whether Mr. Pomeroy had any money in Kansas or not, and every effort would have been made to obtain it if he had any.

In addition to that I might say that, during the pendency of the Senatorial election, I never spoke to Senator Pomeroy; I never was in communication with him. A single time I saw him, when there were two or three gentlemen around. I did not have rooms at any hotel or elsewhere excepting at my own private boarding house, and Mr. Pomeroy never came there, and I had no communication with him.

Q. Did you hear or read, or has your attention in anywise been called to certain testimony given by H. T. Anderson?—A. I read that, and it is very similar to what was testified last winter. As soon as the testi-

mony was given last winter, I wrote to Mr. H. D. Baker, of Salina, and all I know is in this letter which I now present.

Q. From whom is that letter?—A. H. D. Baker, of Salina.

Q. Written to whom?—A. Written to me. I did not reach Topeka until after the investigation was over last winter. I at once wrote to Mr. Baker inquiring what the story of Mr. Anderson meant, and he replied to me in this letter.

Q. What is the date of his letter?—A. Salina, Kans., March 23, 1879.

Q. Read it.—A. I will.

SALINA, KANSAS, March 23rd, 1879.

HON. ALBERT H. HORTON,
Topeka, Kansas:

MY DEAR SIR: I received your letter of the 17th inst. and also a copy of the evidence by the investigating committee.

I have read with surprise the evidence of Anderson, of Ellsworth, and had I have known while the committee was in session that Anderson had made any such statements I would have gone before it and contradicted them. I see the committee says that although I was summoned to appear before it I failed to do so.

The facts are, I was not summoned at all, but did receive a telegram from Higgins informing me that my presence was desired before the committee; but before I could possibly get my business arranged to go, I learned through the press dispatches that the evidence was closed. Since receiving your letter I have thought the matter all over and have about come to the conclusion (as Anderson's statement is so very contradictory that no one can possibly believe it) that I will take no notice of his lying statements.

Anderson is known in this county as a blackguard and shyster, and his statements before the committee will not be believed by any one.

I am, very truly, your obedient servant,

H. D. BAKER.

That is all I know about the statement.

Q. If there is any point or matter coming out in any of the testimony here which has been brought to your attention that you desire to refer to, just consider yourself interrogated and make response.—A. I have not examined all the testimony. My attention was called to this matter more particularly in the papers of Saint Louis yesterday. I can only say that neither myself, nor to my knowledge any friend of mine, used or attempted to use any improper influences at the last Senatorial election. I know nothing otherwise about the matter.

I can say further—I suppose that would be proper—that before what was called the anti-Ingalls caucus convened several gentleman came to me and asked me about voting for me at that caucus. I requested them not to do so. Amongst others Senator Brown came to me, and I told him I did not want to be voted for; that I was under the impression that there were other men who were seeking the position; and he was a friend of mine, and asked me whether or no I wanted his support. I said I did not.

Q. You may state whether you were in fact a candidate for the office of United States Senator prior to your nomination as such by the anti-Ingalls caucus.—A. I was not, and I told Senator Guthrie, of Atchison County, that I would not accept any nomination unless a majority of the convention and of the legislature wished me to accept the position.

By Senator BAILEY:

Q. By convention, do you mean the Republican convention?—A. No, sir; I meant a majority of the legislature. He was pressing me to accept, to be a candidate before the caucus, and I told him that under no circumstances would I accept unless a majority of the entire legislature were pledged to my election. My friend, Mr. Everest, was in my room

when Mr. Guthrie came to me, and Mr. Everest had been there about an hour. Mr. Guthrie came to me and informed me that not only were sufficient pledged to elect me, but that ninety had been pledged, and that under those circumstances I had no right to refuse. I acted upon his statement; whether wrong or not is another matter.

By Mr. WEBB :

Q. At what time was that ?—A. It was somewhere in the neighborhood of one or two o'clock at night; it may have been later than that.

Q. It was after the anti-Ingalls caucus had placed you in nomination ?—A. Yes, sir; he came to me and said that they had done more than I asked; that they had not only given me a majority of the legislature, but that he had ninety votes pledged to my support, and he said it would be unjust to him and other friends if I did not accept the nomination.

Q. That was the morning of the day on which the final vote was taken ?—A. Yes, sir.

Q. Ninety votes were pledged, as you understood, so that there was no necessity for your borrowing money or paying money ?—A. I did not borrow any money; I think Mr. Pomeroy would have been a pretty poor man to borrow of, considering his financial circumstances in Kansas. There are a great many judgments hanging over his head, both in this county and in Atchison County.

Q. If there is any other matter that occurs to you, consider yourself interrogated in regard to it.—A. I have not read the evidence, because I have had neither the time nor the opportunity.

Cross examined by Mr. WILLIAMS :

Q. Were you acquainted with H. D. Baker, of Salina ?—A. Yes, sir.

Q. Did you give him a letter to Mr. E. B. Purcell during the Senatorial contest ?—A. No, sir.

Q. Did you give him a letter to any person ?—A. No, sir.

Q. You say you know him personally ?—A. I do not know whether I should know him by sight; I have seen him and met him, but I do not know whether I could recognize him in the room or not.

Q. Did you meet him on the morning after the caucus which placed you in nomination, and before the election ?—A. I cannot say whether I did or not, because I was in a public room where I suppose from ten to fifty were around me all the while.

Q. What room was that ?—A. That was a room adjoining the public parlor at the Tefft House, on the left, on the north.

Q. Who occupied that room ?—A. Governor Anthony.

Q. Were you there all the time after the announcement of the result of the caucus, until daylight ?—A. We did not go there till about four o'clock.

Q. From the time you went ?—A. From four o'clock. Governor Anthony had two rooms, that parlor and the room adjoining it.

Q. You were in those two rooms ?—A. Yes, sir.

Q. You do not know whether you saw H. D. Baker during that time or not ?—A. I am not sure.

Q. Did you at any time on that morning, or the day before, send H. D. Baker to Mr. Purcell upon any message whatever ?—A. I did not see anybody the day before.

Q. Nor on this morning ?—A. Nor on that morning.

Q. And you did not give H. D. Baker a letter to Mr. Purcell at all ?—A. I have no recollection of giving him a letter.

Q. You are acquainted with the memorialists in this case—Mr. Eggers and Mr. Stumbaugh?—A. I know those two.

Q. Have you at any time since the preparation of the memorial which was laid before the United States Senate contributed towards carrying on this prosecution, directly or indirectly?—A. About two months ago, I think, I sent to Senator Guthrie, of Atchison County, \$30, and he said it was so small a pittance that he would duplicate it and send it to Mr. Stumbaugh, and he told me that he had sent \$60.

Q. His thirty and your thirty?—A. Yes, sir.

Q. For what purpose?—A. To pay their expenses.

Q. As memorialists?—A. So I understood. You asked me about a letter from Mr. Baker to Mr. Purcell. I have no recollection of any such letter. If there is such a letter, I could refresh my recollection. A great many people were in my room that morning, and I could not tell who they all were.

Q. I believe you have stated that you knew Mr. Purcell?—A. I simply know him by sight. He is not a personal friend of mine, nor has he ever been a political friend of mine. He does not live in my part of the country, and I have never had any political connection with him. He lives at Manhattan, Riley County.

Q. Were you not members of the board of regents of the Agricultural College at the same time?—A. I was a regent, but he was not then. He has been made regent by the present governor.

By Senator BAILEY:

Q. It has been stated here that a Mr. Purcell, a banker at Manhattan, furnished money to Baker with which to buy the vote of one Wait. Do you know anything about it, or did you ever hear of it?—A. No, sir; excepting, as I stated when I heard of the testimony of Mr. Anderson last winter, I wrote to Mr. Baker about it to ascertain what there was to it. He wrote me that letter; personally I have no knowledge of it. I did not know Mr. Purcell was a banker; I knew he was a merchant at Manhattan, but I did not know he was a banker until I had seen these proceedings.

Q. You did not furnish any such sum of money or know anything about it?—A. No, nor any other sum of money.

HENDRICK D. BAKER, a witness called by the memorialists, sworn and examined.

By Mr. RIGGS:

Question. Do you know Mr. Wait, representative from Lincoln County at the last session of the legislature?—Answer. I do.

Q. State to the committee whether or not you paid him \$100, or any other sum of money, during last winter.—A. I did not.

Q. Did you have any conversation with him about paying to him money for his vote on the Senatorial question—that sum or any other?—A. No, sir; I did not.

Q. Do you recollect meeting Mr. Wait on the morning of the Senatorial election at the Tefft House?—A. Yes, sir; I think I met Mr. Wait at the Tefft House on the morning of the Senatorial election.

Q. Do you recollect in what part of the Tefft House you first met him?—A. I met him above the office; I think on the first floor above the office, somewhere probably about the parlors of the Tefft House, or in the lobby there.

Q. From that point to what point in the house, or in the halls of the house, did you go with Mr. Wait?—A. He walked me back to the back

part of the building, towards a window in the back part of the building somewhere.

Q. Do you mean in the halls?—A. Yes, sir.

Q. To a little hall running north?—A. Really, I do not remember at this time. I think we walked back and sat down at an open window.

Q. What did he say to you at that time about money having been offered him there at that place for his vote?—A. I think he told me something about some one having offered him some money, a thousand dollars, I think, for his vote.

Q. In that particular window, that place?—A. I do not think he mentioned the place; I do not remember that he did. He might have done so.

Q. Did he not take you back for the purpose of showing you the place where the money was offered him?—A. I do not think he did. He might have done so; but if he did, I do not remember it.

Q. Do you recollect the amount?—A. I think he stated that he had been offered a thousand dollars.

Q. A thousand or five hundred dollars?—A. I think it was a thousand; that is my recollection.

Q. What time in the day was that?—A. I cannot be positive; I was up all night the night of the caucus previous to the election, and was up until after the Senator was elected; it was some time in the forenoon, but I cannot be positive what hour it was.

Q. From ten to eleven o'clock?—A. I should think it was somewhere in that neighborhood.

Q. When you met Wait in the hall, detail the conversation that you had with him. When you first met him in the hall, state what Mr. Wait said to you and what you said to him in reply.—A. Mr. Wait said something to me about the election—"How is things this morning?" or something of that sort. I told him I did not know, and we had some general conversation about the canvass. He asked me how I thought it was. I told him I thought Horton was going to be elected; everything looked favorable as far as I could see. He said he was afraid he would not be; he thought the other side was using money, and seemed excited about it. He finally took me to a back window and I tried to get him to give me the name of the party who had offered him money. He refused to do so; he said he did not want to get into any trouble about it. He did not give me the name of the party, but said some one had offered him a thousand dollars. That is my recollection.

Q. Had you been to Mr. Purcell's room before that time?—A. I was not to Mr. Purcell's room, because I did not know that Mr. Purcell had any room.

Q. Mr. Phillip's room?—A. I had been in one of Mr. Phillip's rooms for several weeks.

Q. I am speaking of that morning.—A. I had been in and out of his rooms. He was preparing to go to Washington, I think, and things were stirred up in his room at that time, and I was in and out of his room frequently.

Q. Let me refresh your recollection. Did not Mr. Wait say to you in the conversation you had with him that he was afraid they were going to beat Horton, that they were using money, that they were buying votes?—A. Yes; he might have said such a thing as that, and he probably did.

Q. Did he not say to you in that same conversation that they had bought Harry Anderson?—A. No, sir; I do not think he did. I do not remember that he and I ever had any conversation about Mr. Anderson.

We might have had ; but if we had—I have tried to refresh my memory on that point since that time, but I cannot remember it. We might have had conversation about Anderson, but if we did, I do not remember it.

Q. Did he not state to you that he had been offered \$500 for his vote that morning, and take you back to the window, where you said you went, and show you that as the place where he had had the offer made to him ?—A. No, sir; that is not my recollection. I do not recollect that that was the fact. I think he said that he had been offered a thousand dollars for his vote. I am positive in my own mind that is what he said, and I think also he told me that it was offered to him probably at that place, or about there in the halls, perhaps, at the very place we were sitting.

Q. Did you state to him at that time that if they were buying men, "we must buy them back" ?—A. I do not remember stating such a thing to him. I might have done so. I do not think I did, though.

Q. Did he not say to you there, "Good God, don't go into anything of that kind" ?—A. No, sir; he never stated any such thing; or, if he did, I have no recollection of it. He might have done so.

Cross-examined by Mr. WILLIAMS:

Q. Were you acquainted with Judge Albert H. Horton last winter ?—A. Yes, sir.

Q. Did you meet him on the morning preceding the election ?—A. I did.

Q. When and where ?—A. I met him early in the morning, very early in the morning—I could not say positively, as I have stated heretofore that I had been up all night—it might have been before daylight, or it might not have been until sun was up, or it might possibly have been half an hour after the sun was up, but it was some time early in the morning, in a little room. The parlor at the Tefft House is situated on the first floor, right over the office, and there is a large room next to the parlor, and next to the large room is a small room. I met him in that small room.

Q. Who was present ?—A. I do not think there was any one present. I have no recollection of any one being present.

Q. But yourself and Judge Horton ?—A. No one else.

Q. Did Judge Horton give you a letter of introduction to Mr. E. B. Purcell ?—A. No, sir; he did not.

Q. Did he give you a letter to Mr. Purcell ?—A. No, sir.

Q. Did he introduce you to Mr. Purcell ?—A. No, sir.

Q. Did he send you with any message to Mr. Purcell ?—A. He told me I could see Mr. Purcell about some matters.

Q. What matters were they ?—A. With due respect to this committee, I wish to make a personal explanation to the committee under oath. It has been reported to me that this morning I was reported to the committee as not being willing to appear before this committee to testify. I will say to the committee that I did not want to appear; but when the committee first notified me through their sergeant-at-arms with a telegram. I appeared and reported here on the 24th of last month, got excused by the counsel for Ingalls, who had me subpoenaed, and I went home, and came back and reported again to them Saturday morning, and have been here since, and had no intention of going home to-day; was not preparing to go home at the time the sergeant-at-arms came and showed this subpoena. I was at the Tefft House, and had been all day; with the exception of a short time I was at the capitol to do some business there.

In regard to this question just asked by the counsel, I will say to the

committee that I have taken counsel from an attorney, and do not feel like answering this question or any other questions similar to it, as they do not pertain to the issues, as I understand, that this committee is inquiring into, without I am compelled to answer them by the committee. If I am, and the committee ask me questions, I will cheerfully answer anything that I know in regard to this whole transaction.

Senator LOGAN. This is a proper question under the ruling of the committee, and it is your duty to answer it unless it criminate yourself.

Mr. WILLIAMS. I do not at this time ask any question that will criminate him.

Senator LOGAN. This is a proper question as it has been asked.

Q. (By Mr. WILLIAMS.) I simply asked what it was that Judge Horton desired you to do; I am not asking what you did do.—A. I called on Judge Horton and asked him what I could do to assist him in his canvass. He looked over his list—

Q. What list was that?—A. A list of the names of members of the legislature; and we spoke of members of the legislature from different localities, and about influences that governed them, and about a lobbyist who was there, who probably had influence with them, and so forth, and, finally, he told me that I might look after H. T. Anderson, who was high up on the list as a member of the legislature. I believe that was the only work he laid off at that time for me to do.

Q. How do you mean "high up on the list"?—A. That his name came early in the call of the roll.

Q. Did Judge Horton have a list of all the members in his hand, or of those he desired to see?—A. A list of all the members of the legislature.

Q. Did E. B. Purcell hand you \$700 of money, or any other sum, that morning?—A. Yes, sir.

Q. What sum?—A. He handed me \$700.

Q. In what shape was this money?—A. My recollection is that one package of it, that I supposed to contain \$500—I did not count it—was in a package done up with a band in a regular banking form, the way that money is usually done up in packages that are placed in bank vaults.

Q. Did it have any sign written or printed on it of amounts?—A. I think it had pencil or pen marks "\$500." That is my recollection.

Q. Would you know the band again if you saw it?—A. I would not. I did not notice it particularly.

Q. How about the other \$200; how was that?—A. It was loose, in ordinary bank-bills.

Q. I will now ask you for what purpose did Mr. Purcell hand you that money?—A. If the committee please, I wish to decline answering the question to the counsel, unless the committee desire me to do so.

Mr. RIGGS. Mr. Chairman, let me remark that I think I can safely say for Judge Horton that we have not the slightest objection in the world so far as Judge Horton is concerned. I certainly say for the memorialists, we have not the slightest objection to the witness making full answers to any question asked him.

Senator CAMERON. We would not excuse him on that account, or on any ground, unless the answer tended to criminate himself, no matter whether Judge Horton or the counsel was favorable or against the witness answering.

Senator BAILEY (to the witness). Do you decline to answer, Mr. Witness, because your answer might criminate or tend to criminate yourself?

The WITNESS. I do, sir.

Senator LCGAN. Mr. Baker, do you say the answer to this question would criminate you, or tend to furnish evidence against you as being guilty of crime?

The WITNESS. It might.

Senator CAMERON. Do you put your refusal or declination to answer upon the ground that it may tend to criminate yourself?

The WITNESS. Yes, sir.

Senator LOGAN. That is sufficient excuse.

Q. (By Mr. WILLIAMS.) Mr. Baker, for whom were you working for United States Senator that morning?—A. That morning I was for Judge Horton.

Q. For whom was Mr. E. B. Purcell working?—A. For Judge Horton.

Q. At the time of this last transaction you have detailed?—A. Yes, sir.

Mr. WILLIAMS. I desire, if the committee please, to ask one or two questions, but they are all of the same general nature as the one objected to.

Senator LOGAN. Any question which does not point to the act of bribery, if that is what it means, is a proper question.

Mr. WILLIAMS. I ask indulgence, so as not to appear to be trespassing on the kindness of the committee, but I wish to ask one or two questions that I think will be subject to the same objection.

The CHAIRMAN. You can ask questions. If he declines to answer, we will consider the matter.

Q. (By Mr. WILLIAMS.) Did you obtain that money from Mr. Purcell to give it to Mr. H. T. Anderson, of Ellsworth County, for his vote for Judge Horton for United States Senator?—A. I decline to answer.

Senator LOGAN. You decline on the same ground that you did before?

The WITNESS. Yes, sir.

Mr. WILLIAMS. That is all.

The WITNESS. I should like to say to the committee that I was present and heard Judge Horton's testimony a few minutes ago, and I should like to say to the committee, without any questions from attorneys, that soon after the legislative committee adjourned here last winter I received a letter from Judge Horton, inclosing me a copy of their report. I am very sorry that I have not that letter with me; I can have it here probably by to-morrow's mail, and would like to submit it, as Judge Horton has taken the liberty to submit mine. I considered both of the letters of a private character, but, as he has taken the privilege of submitting mine, I should like to submit his also to this committee.

Mr. WILLIAMS. We should like to have it.

Senator LOGAN. I presume there will be no objection.

The WITNESS. The letter is at home locked up in my desk.

By Mr. WEBB:

Q. You say you considered the letter of a private character. It is not marked "private."—A. Probably I forgot to mark it "private." There is nothing in the letter that I wish to conceal.

Q. I put the question in order that Judge Horton shall not be charged with violating confidence.—A. I think his is marked "private." I cannot swear that positively, but I think it is so marked. It will show for itself if it is not. I should like to be sworn if I cannot produce it, and also have other witnesses sworn to whom I showed the letter, as to the contents of it.

By Mr. RIGGS :

Q. You say that Mr. Purcell handed you \$700 of money on that Friday morning ?—A. Yes, sir.

Q. About what time in the morning was it that he handed you that money ?—A. I cannot say. There was a great deal of arrangements about it; there was a great deal of talk about it before I got the \$700; it was probably talked over by ten or twelve men, I do not know how many, but it was talked about a long time, and finally he sent for me and gave me the money. It was late; my recollection is it was getting along late, probably between 10 and 11, somewhere along there; it might have been as early as 10, and might have been as late as 11; it might have been later, or might possibly have been earlier. I cannot tell the time.

Q. Was it before or after the time you met Mr. Wait in the hall ?—

A. I cannot state whether it was before or after.

By Senator BAILEY :

Q. You say that that matter was talked over by ten or twelve persons. Who were they ?—A. I said it might have been talked over by that many. It was talked of between Mr. Purcell, Thomas H. Cavanaugh—

Q. Where does he live ?—A. In Saline County; his post-office address is Salina—with Mr. Wagstaff—

Q. What Wagstaff ?—A. Daniel R. Wagstaff.

Q. Where does he live ?—A. He is in the room here now.

Q. Who beside ?—A. I saw Mr. Purcell talking with other gentlemen in the room whom I supposed he was talking with about the same project—several others, whose names I do not like to give.

By Senator CAMERON :

Q. As you commenced giving names, you may as well go through with them ?—A. I do not know positively that Mr. Purcell talked with those men about this transaction. I heard him talk about it with the two I have given the names of, and I am as positive he talked with the others about it as anything of the kind I do not know; I did not hear the conversations between him and the other men. I supposed that was what he was talking about.

By Senator BAILEY :

Q. How long were you engaged in this conversation, or was he engaged with you in this negotiation, before you got the money ?—A. I should say three hours.

Q. What time did it begin in the morning ?—A. It began pretty early in the morning.

Q. At what hour, according to your recollection ?—A. I should say before seven o'clock.

Q. And the money was handed you about ten o'clock ?—A. I should say somewhere in that neighborhood; it might have been later or earlier. I think it was probably more likely to have been later than earlier.

Q. Where did he get the money ?—A. I cannot say.

Q. When he handed it to you from what place did he produce it ?—A. I think he had it in his inside pocket somewhere; it with other money.

Q. Money done up in packages ?—A. I do not remember positively whether I noticed any other packages with bands around them or not. I know that he had other money at the time he gave me this.

Q. Was it in a pocket-book or loose in his pocket?—A. Loose; not folded up at all.

Q. You speak of there having been a good deal of talk about it. Have you any objections to repeating what the conversation was?—A. The conversation was with regard to Anderson's vote principally.

Q. Was anything said in that conversation or those conversations about the possibility of securing Anderson's vote by the use of money?—A. Yes, sir; there was.

Q. Was that the subject-matter of conversation; namely, the possibility or probability of being able to secure his vote by it?—A. While this matter was being discussed by these several gentlemen and myself?

Q. Yes, sir.—A. That was the subject-matter.

Q. Give the names of the other persons who were present whose names you have not already mentioned.—A. I could only give the names generally of gentlemen who were working for Mr. Horton, who were in the larger room. If I had the map that I understand is prepared I could explain to you which room it was in.

Q. It is immaterial as to the room. I want to know the names of the gentlemen who were present when this subject was being discussed.—A. There were a number of gentlemen in there whom I saw Mr. Purcell conversing with, that I supposed he was talking about the same matter that I heard him talk. He was in my presence when he talked to Mr. Cavanaugh, and also in my presence when he talked with Mr. Wagstaff; but the other gentlemen he did not talk with in my presence.

Q. Did he talk to you in their presence on the subject?—A. No, sir.

Q. Did you talk in their presence on the subject?—A. No, sir.

Q. Did Mr. Cavanaugh or Mr. Wagstaff speak on this subject in your presence?—A. In my presence they did not, to my knowledge.

By Senator LOGAN:

Q. Was Mr. Wagstaff present when this money was handed to you by Mr. Purcell?—A. He was.

By Mr. WEBB:

Q. Do you remember the appearance of the band around the \$500 package of money?—A. I do not, except in a general way. I remember that there was a band around it and that there were some marks on the band. I think there was "\$500" in figures on the band.

Q. Can you recall and say whether it was figures in print, in pencil, or in ink?—A. I cannot.

Q. Do you think you could recognize the band if you should see it?—A. I do not think I could, because my recollection is that it was a band such as is ordinarily around bank packages, and I did not notice anything of the band that would make me at this time recognize it.

Q. What was the color of the band; can you recall its appearance?—A. I cannot.

Q. (Exhibiting the band produced by H. T. Anderson.) Looking at that piece of paper, state whether or not you recognize it as being the band that was around that package, or whether you fail to so recognize it.—A. (Examining.) It may have been the band. I do not recognize it. It may have been or may not have been. I cannot say.

Q. You fail to recognize that as the band?—A. Yes, sir. I cannot say that it was or was not the band.

[The following letter was subsequently forwarded to the committee by H. D. Baker as the one referred to in his testimony as received by him from A. H. Horton:]

(Albert H. Horton, chief justice; Daniel M. Valentine, David J. Brewer, associate justices; Abram Hammatt, clerk.)

SUPREME COURT, STATE OF KANSAS, CHAMBERS,
Topeka, March 17th, 1879.

Hon. H. D. BAKER,
Salina, Kansas:

DEAR SIR: The evidence taken before the late investigating committee of our legislature has just been published, & I send you a printed copy, for the reason that your name is mentioned on page 66, & an attempt is made, through the testimony of one H. T. Anderson, of Ellsworth, to show that money was used by some parties to influence a vote for me in the recent Senatorial election. You will notice that the story of Anderson follows the evidence of Hon. W. S. Wait, by whom he is charged with having attempted to bribe him to vote for Senator Ingalls. Thus it is quite evident that the statement of Anderson was invented for the occasion, to be a reply to the evidence of Wait. This is more clearly shown, because on Feb. 26th he stated that the person who approached him with money was Charles Baker, of Salina, & then, on March 3d, he names you as the party. I have thought that perhaps after you was appointed sheriff, some one, to injure you, had Anderson change the fictitious person he called Charles to you. I knew nothing of this evidence until the committee had closed the taking of testimony, or I should have written you & had you come down to contradict it. I was told you were subpoenaed to come here, but not knowing that your name was in any way affected by the testimony, & having your hands full with the duties of your new office, you did not think it important to attend, especially as no compulsory order was sent. All of the members, both on the Ingalls side & those who voted for me, with whom I have talked, say the story of Anderson, in view of Wait's testimony, is not only improbable, but is entirely unworthy of belief, & that no one gives it any credence. Under the circumstances, I thought I would advise you of what A. has stated, & have thought you ought, in your own papers, for your defense, make a full denial of the evident fabrication. Please answer, and oblige,

Yours, &c.,

ALBERT H. HORTON.

DAVID E. BALLARD, a witness called by the respondent, sworn and examined.

By Mr. EVEREST:

Question. Where do you reside?—Answer. In Washington County, Kansas.

Q. Were you a member of the legislature of the State of Kansas last winter?—A. I was.

Q. Did you take part in the Senatorial election?—A. I did.

Q. Have you read specification second of what is known as the supplemental memorial presented to the Senate of the United States, which reads as follows:

Second. That Hon. D. E. Ballard, a member of the house of representatives from Washington County, corruptly received \$500 for his vote for John J. Ingalls at said election, and that the person giving said bribe was the agent of John J. Ingalls.

A. I have read that specification.

Q. Is that true or false?—A. It is false; it is a lie from beginning to end.

Cross-examined by Mr. WEBB:

Q. You were one of the representatives from Washington County?—A. I am.

Q. Were you elected upon a party ticket?—A. I was.

Q. What party ticket?—A. The Republican party.

Q. And you came here a Republican member of the house of representatives?—A. I did.

Q. Do you know the fact that there was a caucus held of the Republican members of the legislature for the purpose of agreeing upon some man for the United States Senate?—A. I do.

Q. How many sessions of that caucus were there held at which votes were cast?—A. I think there were two sessions of that caucus.

Q. Monday night, the 27th, and Tuesday night, the 28th, of January?—A. I think that is correct.

Q. On Monday night there were three ballots taken and on Tuesday night six ballots taken?—A. More than that, I think; at least that many.

Q. Were you present during both sessions of that caucus?—A. I was present.

Q. For whom did you vote as your choice for United States Senator on every ballot in that caucus?—A. I voted for Albert H. Horton.

Q. On Tuesday, the 28th of January, the house of representatives voted separately from the senate for United States Senator?—A. Yes, sir.

Q. Were you present and voting?—A. I was present.

Q. For whom did you vote in the house of representatives?—A. I voted for Albert H. Horton.

Q. On the next day the two houses convened in joint session, constituting the joint convention for the election of Senator; were you present and did you vote?—A. I was present.

Q. For whom did you vote?—A. Albert H. Horton.

Q. How many votes were taken that day, Wednesday?—A. Only one vote.

Q. The next day was Thursday and the joint convention was again in session. Were you present and voting?—A. I was present.

Q. For whom did you vote?—A. I voted for John James Ingalls.

Q. On Thursday?—A. On Thursday.

Q. Are you certain of that?—A. I am certain of that.

Q. Now, sir, how did it happen, having voted every time in the general Republican caucus for Albert H. Horton, and having voted on Tuesday and on Wednesday for Albert H. Horton, that you whopped over and voted for Ingalls on Thursday?—A. I did not whop.

Q. How did it happen that you changed your vote from Horton to Ingalls?—A. Mr. Horton had not been a candidate. He was my personal preference. I had supposed that he would be a conciliatory candidate; he would stop the fight in the Republican party. Finding that there were not, perhaps, twenty members in the legislature that would take him even as their second choice, I concluded to vote for my second choice.

Q. So you voted on Thursday for Mr. Ingalls?—A. I voted on Thursday for Mr. Ingalls.

Q. Then Mr. Horton had not been a candidate, as you understood?—A. No, sir.

Q. Is it not a fact that in the Republican caucus on Monday night and again on Tuesday night your own vote was the only vote he received?—A. There were one or two others.

Q. Is it not the fact that on Tuesday, when you voted in the house alone, yours was about the only vote he received?—A. On Tuesday mine was the only one, I think.

Q. The next day, in joint convention, how many votes did he receive?—A. I think he received three; I am not positive, but I think three.

Q. And yours was one of those?—A. Yes, sir.

Q. During all that period of time you regarded Judge Horton as a kind of conciliatory candidate; that is, that he might become such?—A. He might be.

Q. And do away with the contention in the Republican party?—A. And personal squabble.

Q. You entertained that opinion Monday and Monday night, Tuesday and Tuesday night, Wednesday and Wednesday night?—A. Yes, sir.

Q. On Thursday you voted for Mr. Ingalls?—A. Yes, sir; that is the fact.

Q. Then on Thursday night did you not know that there was an anti-Ingalls caucus?—A. Yes, sir; I was aware of it.

Q. Did you attend it?—A. I did not.

Q. You know, however, as a matter of public history, that on that night Judge Horton, the same gentleman for whom you had voted so many times, was agreed upon as the compromise or conciliatory candidate?—A. I would say I had before that voted for Mr. Ingalls.

Q. You have told us that. I asked you if you did not know then, and do not know now, as matter of public history, that Judge Horton had been placed in nomination as a compromise candidate, all the others being out of the way?—A. I heard so on Friday morning about five o'clock from your friend Guthrie, who supposed he could deliver the delegation.

Q. You mean W. W. Guthrie, of Atchison, a member of the State senate?—A. Yes, sir.

Q. He, then, did tell you on Friday morning about five o'clock that Judge Horton had been agreed upon by the opponents of Senator Ingalls?—A. Yes, sir; I will give you the conversation, if you wish it.

Q. No, sir; it is the fact I want. Notwithstanding that, you went into joint convention and again voted for Senator Ingalls?—A. I did.

Q. What was it that converted you from a Horton man to an Ingalls man?—A. Because your—

Q. Do not say "your," because I was not there at all.—A. I was under the impression that you were there.

Q. I was not.—A. The Phillips men, the Anthony men, the Simpson men, were all of them going to stick to their candidates, were going to elect their candidates; I became disgusted with the peculiarity of the gentlemen. Finding that they would not take Mr. Horton as their second choice, any of them, or not to exceed twenty, I voted on Thursday for John James Ingalls.

Q. Then, after they had had time to think about it, and had concluded that your judgment was better than theirs, they agreed on Horton?—A. It was a necessity with them.

Q. Conceding that it was a necessity, even if it was a ground-hog case and they had agreed on Judge Horton, they had in fact done so, and thus adopted a rule in accordance with your first and better judgment. Now I want to know if your disgust was so strong that you could not go back from Ingalls and vote for Horton?—A. Well, I am in the habit of trying to be consistent. I could not change from John Ingalls when I knew that he was ahead, when I knew he had votes enough to elect him. They were in his caucus; I was there myself.

Q. You were in the Ingalls caucus Thursday night?—A. I was in the Ingalls caucus Thursday night, and he had votes enough present to elect him.

Q. He did not have votes enough on Thursday to elect him?—A. He had enough Thursday night in his caucus to elect him.

Q. You voted in joint convention on Thursday morning for Ingalls. He did not have votes enough then to elect him or he would have been

elected?—A. I was referring now to why I did not go on Friday over to Mr. Horton, as you put it.

Q. I was trying to find out why you went from Horton to Ingalls on Thursday.—A. I told you why I went.

Q. I know what you said. I do not care to have you repeat that.

By Senator CAMERON:

Q. Had you voted for Mr. Ingalls and committed yourself to him and to his friends before Judge Horton was nominated?—A. Yes, sir; I had.

WALTER S. WAIT, a witness called by memorialists, recalled for further examination.

By Mr. RIGGS:

Question. Do you know H. D. Baker, of Saline County?—Answer. Yes, sir.

Q. State whether or not you received from Mr. Purcell or anybody else \$100, or any other sum of money, to cast a vote for Albert H. Horton in the Senatorial election last winter?—A. I did not. I never saw Purcell in my life to know him; never heard there was such a man until I came down here on this business.

Q. Do you remember meeting Mr. Baker in the hall of the Telft House on Friday morning preceding the final vote for Senator?—A. I do.

Q. What time was it you met him there?—A. As near as I can recollect it must have been between ten and eleven in the forenoon; somewhere about that time. It was between those two hours.

Q. Was it before or after you had had the conversation with Anderson, in which he, Anderson, had shown you money?—A. It was after.

Q. How long after?—A. It was very soon after. I think when I came out of the hall with Anderson it was almost immediately after; I do not think it was more than fifteen minutes after at the outside. I saw Mr. Baker and related to him the circumstance.

Q. State what passed between you and Mr. Baker on that occasion?—A. I related it in quite a hurried manner, stating, as near as I can recollect, that they were using money; that General Bull and I had had a chance to take in a thousand dollars of it, or something to that effect. I took him back into the back room, into the hall, and showed him where the offer was made to me, and showed him the window.

Q. Did you state to him who had shown you the money and made you the offer?—A. Yes, sir.

Q. Whom did you state had shown you the money and made you the offer?—A. Anderson, of Ellsworth.

Q. What did Mr. Baker reply, if anything?—A. It was something like this, "The damned son of a bitch is on the sell, and why not buy him back again?" I remarked to him that I hoped none of our folks would do anything of that kind. "Well," he said, "they are buying votes, and if they are using money, I guess we can find some to use too." I remonstrated with him for attempting anything of that kind. As I expressed it to him, I hoped none of our friends would dirty their fingers in any such work as that, and not think of such a thing, and left him; I was in a hurry.

Q. Did he say anything about oversizing their pile?—A. Well, something to that effect, that they could furnish as much money as that. I do not think he said we would oversize their pile, but could furnish as much money as they could.

Q. Is that all that transpired?—A. It is about all I can think of now.

Q. You left him there?—A. Yes, sir.

No cross-examination.

THOMAS J. HUMES, a witness called by the respondent, sworn and examined.

By Mr. EVEREST :

Question. Where do you reside?—Answer. I reside in Washington County.

Q. Were you a member of the legislature of this State last winter?—A. I was.

Q. Which house?—A. The house of representatives.

Q. Do you know I. O. Savage, who was senator from Republic County?—A. I do.

Q. Did you see Mr. Savage on the morning of the final ballot for United States Senator?—A. I did.

Q. Do you know who went with Mr. Savage to the State-house or to the capitol building on the morning of the final ballot?—A. I do.

Q. State who it was.—A. It was myself.

Q. State to the committee the circumstances connected with that, when you first saw Mr. Savage on that morning, where you went with him, and who accompanied you to the capitol?—A. I met Mr. Savage about eight or nine o'clock, I do not recollect precisely what time it was that morning, in front of the Tefft House. I began to talk with him about the Senatorial election, asked him how he was going to vote, wanted him to vote for Senator Ingalls. We took a walk east of the Tefft House down that street, I do not recollect the name of the street, and I was doing the best I could to talk up the claims of Senator Ingalls. He finally told me that he would vote for Senator Ingalls. We came back in front of the Tefft House, stopped there a few minutes. He was talking with a member from Montgomery County, Clark, I believe, and I do not know but with the senator from Montgomery also, Senator Grass. From there we went up stairs into Mr. Ingalls's room. We went into a side door on the yonder side of the Tefft House. We went into Senator Ingalls's room; we both went in. I was in there a short time. He and I came out together and went from there to the State-house. He went into the senate chamber and I went into the hall of the house.

Q. Were you with him in Senator Ingalls's room while he was there?—A. I was.

Q. How long did you remain with him on that occasion?—A. I do not recollect whether I was in with him all the time he was in there. We were in there but a very few minutes.

Q. You went with him to the capitol building?—A. Yes, sir.

Q. Remained with him until the joint ballot was over?—A. He went into the senate chamber and I went into the hall of the house.

Q. You say you did know before going up to Senator Ingalls's room on that morning that Mr. Savage was going to vote for Mr. Ingalls?—A. He promised me that.

Q. And he was talking with Senator Grass and Representative Clark of Montgomery County?—A. He was talking with the member from that county, I distinctly remember, and I think the senator from that county was also present.

Q. You live in the adjoining county to Senator Savage?—A. Yes, sir.

Q. And are well acquainted with him?—A. I have known him the

last seven or eight years, ever since he has lived there. I am intimately acquainted with him.

Cross-examined by Mr. WEBB:

Q. This was on Friday morning, the day of the final vote?—A. Yes, sir.

Q. Whom did you go up to the capitol with on Thursday morning?

—A. I do not know. I went up with some of the members I was rooming with; I think Biddle, perhaps.

Q. Whom did you go up with on Wednesday morning?—A. I do not recollect.

Q. Whom did you go up with on Tuesday morning?—A. I do not recollect.

Q. Whom did you go up with on Saturday morning, the day after the vote was taken?—A. I do not recollect.

Q. Where did you say you and Savage walked after you met him there at the Tefft House?—A. We walked down east; I think it is east.

Q. The same way that the Tefft House fronts?—A. Yes, sir.

Q. That way?—A. That direction.

Q. You say you were trying to persuade him to vote for Ingalls?—A. Yes, sir. I understood he was in the Horton caucus the night before.

Q. When you first talked to him about giving his vote for Senator Ingalls, what did he say?—A. He said he had nothing whatever against Senator Ingalls, and he thought next to Phillips his constituents would favor the election of Senator Ingalls.

Q. How long were you and he off on that little walk?—A. Not very long. We went down and got a cigar, something of that character.

Q. Did you step in that little place of refreshments just below the bank?—A. Yes; took a cigar, I think.

Q. You say that he finally told you in that conversation that he would vote for Senator Ingalls?—A. He told me, I do not recollect about what stage of the conversation it was, that he would vote for Senator Ingalls; that us boys would go along together; I believe that was his language.

Q. Then you walked back to the Tefft House and he was talking with A. B. Clark, a member of the house from Montgomery County?—A. Yes, sir.

Q. You think he also talked with Senator Daniel Grass?—A. Yes, sir. I had special reasons for him walking with Clark.

Q. Did you not see him and Grass walking down in the same way you had done to that little place of refreshment?—A. I do not recollect.

Q. When you got back there, did you not give yourself up to other gentlemen in a general talk, and did not Senator Grass march him across the street and walk with him?—A. A short time after that we went into Senator Ingalls's room.

Q. Before you went to Ingalls's room?—A. They might have gone over there again.

Q. Are you able to say that after you came back there to the Tefft House he did not walk away with Grass and be gone some time? Are you able to say that as a fact?—A. I am not.

Q. Then he might have been away from you long enough to take a respectable stroll with Senator Grass?—A. He might. It was some time after we took our stroll that we went upstairs. I wanted Clark and Grass to talk to him.

Q. You know he did go into the Tefft House and did go upstairs ?—
A. I know that.

Q. And you say he went into Senator Ingalls's room ?—A. Yes, sir.

Q. You know Mr. Joshua Wheeler, a gentleman from Atchison County ?—A. I do not. I may know the face, but I do not know him by the name.

Q. Who all were in Senator Ingalls's room when yourself and Senator Savage went in there that morning ?—A. I think Col. John A. Martin was there. He was at the door as we went in.

Q. Who was in the room besides Colonel Martin ?—A. I do not recollect that any one was there.

Q. Do you mean to say that you do not recollect any other person or do not recollect the names of the other persons ?—A. I do not recollect that any other persons were there at the time he and I were there.

Q. Did Mr. Clark, of Montgomery, go upstairs ?—A. Not that I know of.

Q. Did Mr. Grass, the senator from Montgomery, go upstairs ?—A. I do not recollect that he did.

Q. Did Mr. Rood, of Montgomery, go up ?—A. I do not recollect that he did.

Q. Did you see J. P. Rood at the Tefft House that morning ?—A. I do not know that I would know the member if I were to see him. I am not acquainted with him. I know that there was such a member of the house, and perhaps during the session I would have known his face, but now I do not think I could pick him out.

Q. In the walk you did have with Senator Savage, and the walk Senator Savage might have taken with Senator Grass, did Savage walk away with any person a stranger to you ?—A. I do not think he did.

Q. Can you say positively whether he did or not ?—A. I know that he did not after we came out of Senator Ingalls's room.

Q. But before that, from the time you first met in front of the Tefft House down until you went into Senator Ingalls's room with him, did he walk and talk with any person except yourself and Senator Grass ?—
A. It might be that he did, but I do not think he took any lengthy walk at all. I do not think he walked very far, because I was watching.

Q. You were watching him. Why were you watching him ?—A. I wanted him to vote for Senator Ingalls.

Q. Was there any danger about it after he told you in that walk that he would ?—A. He is a sort of easy nature, and I did not know what influence might be brought to bear.

Q. You knew he had been in the anti-Ingalls caucus ?—A. I understood he was in that caucus.

Q. But in your walk he told you he would vote for Senator Ingalls ?—
A. Yes, sir.

Q. Did you not regard him as a man of integrity ?—A. Well, he is a man of a very easy nature, very easily persuaded sometimes.

Q. Did you not think he was one of the men that needed watching ?—
A. I do not know. It is likely I thought that way.

Q. The fact is you concluded to watch him ?—A. I wanted to stay with him.

‘ JOSHUA WHEELER, a witness called by the respondent, sworn and examined.

By Mr. EVEREST :

Question. Where do you reside ?—Answer. In Atchison County.]

Q. How long have you resided there ?—A. Twenty-two years.

Q. Do you know J. O. Savage, of Republic County ?—A. I do.

Q. How long have you known him ?—A. About five years.

Q. Were you present at Topeka during the last Senatorial contest ?—

A. I was part of the time.

Q. Mr. Savage was senator from Republic County ?—A. Yes, sir.

Q. Did you have any conversation with him the morning of the final ballot relative to his action upon the Senatorial question ?—A. I did.

Q. State to the committee what it was and where it took place.—A. I met Mr. Savage in front of the Tefft House some time in the morning after breakfast—I could not state the exact time—and he asked me to take a walk with him. We went west, that is, in that direction, and he told me he was somewhat undecided upon the Senatorial matter. Although he had been in the caucus, he did not consider that there was anything binding about that caucus. He came there, he told me, a supporter of Mr. Phillips, but since Mr. Phillips was out of the way it was his opinion his constituents would sustain him in voting for Mr. Ingalls. He did not know much about Mr. Horton, he said. That was substantially the conversation we had. He inquired of me what I thought in the matter.

Q. In the course of that conversation what was asked by Senator Savage of you, if anything, relative to the wishes of the people of your party in Atchison County ?—A. He asked me my opinion as to that matter; how the feeling of Atchison County was on that question.

Q. What did you tell him ?—A. I told him they were in favor of Mr. Ingalls.

Q. About what time of day was this ?—A. I could not state the exact time. It might have been nine o'clock; it might have been earlier or might have been later. It was after breakfast. It was some little time before we went up to the State-house.

Cross-examined by Mr. WEBB:

Q. You were here part of the time during the last Senatorial contest ?—A. Yes, sir.

Q. Were you here a part of the time during the Senatorial contest of 1877, when Plumb was elected ?—A. I was here a few days.

Q. Were you here during the Senatorial contest of 1874, when Harvey was elected ?—A. I was.

Q. Were you here during the Senatorial contest of 1871, when Caldwell was elected ?—A. I came here one or two days during Mr. Caldwell's canvass.

Q. Were you here during the Senatorial contest of 1867, when Pomeroy and Ross were elected ?—A. I was.

Q. Were you here during the Senatorial contest of 1865, when Lane was last elected ?—A. I was not.

Q. About what hour was it you met Senator Savage on the morning Senator Ingalls was re-elected ?—A. I cannot tell the exact hour. It was somewhere between eight and ten o'clock.

Q. Did you yourself board at the Tefft House ?—A. I did not. I boarded at the same place Mr. Savage did.

Q. You did not leave that house until after breakfast ?—A. No, sir.

Q. Do you remember whether you went anywhere after breakfast before going to the Tefft House ?—A. No, sir; I went right to the Tefft House. I met Mr. Savage there in front of the Tefft House.

Q. Did he ask you to take a walk ?—A. He did.

Q. And you and he walked west ?—A. Yes, sir.

Q. You walked on the south side of the Tefft House and went west ?
—A. Yes, sir.

Q. How far did you go ?—A. Not a great way ; probably the length of the Tefft House.

Q. How long were you gone ?—A. Probably not over five minutes.

Q. When you came back from that walk do you know where Senator Savage went ?—A. I do not.

Re-examined by Mr. EVEREST :

Q. You say you were here on several occasions of other Senatorial contests. State if you have not been a member of the legislature from Atchison County ?—A. Yes, sir.

Q. On any one of those occasions were you a member of the legislature ?—A. I was a member at the time Governor Harvey was elected. That was the only time.

Q. Were you not here also on those occasions in attendance on the State board of agriculture, of which you were a member ?—A. I was on those occasions when I met Mr. Savage. He and I were both members of that board.

Q. You were here last winter at the meeting of that board ?—A. Yes, sir.

Q. Were you not also at the Senatorial election previous to that, here in attendance upon a meeting of that board of which you were a member ?—A. I was.

Q. Then your business was official business whenever you were here ?
—A. That was primarily my business ; but I remained after the board closed the session for the purpose of taking a little interest in the Senatorial matter ; but that was principally my business.

By Mr. WEBB :

Q. That little interest was in favor of Senator Ingalls ?—A. Yes, it was.

JOHN R. RANKIN, a witness called by the respondent, sworn and examined.

By Mr. EVEREST :

Q. Where do you reside ?—A. In Lawrence, Kansas.

Q. How long have you resided there ?—A. Twenty one years.

Q. Were you at Topeka during the last Senatorial election ?—A. Yes, sir.

Q. Did you know H. C. Bull, member of the legislature from Osborne County ?—A. Yes, sir.

Q. Did you know W. S. Wait, member from Lincoln County ?—A. I did.

Q. State if you were in Senator Ingalls's room at the Tefft House the evening before the final ballot, when Mr. Bull came there to see him ?—A. I was.

Q. Did you hear any conversation take place between him and Senator Ingalls ? If so, state what it was ?—A. I heard a conversation between Mr. Bull and Senator Ingalls. Mr. Bull came into the room and spoke to Senator Ingalls ; they sat down and talked a few minutes on the subject that was uppermost in the minds of all the parties in Topeka at that time, the Senatorial question. Mr. Bull took occasion after talking a little to state to Senator Ingalls that he had come up especially to say to him that he intended to support him for the Senate from that time forward. Senator Ingalls thanked him very kindly for the information. They

talked a little while longer, and then he said to him that Mr. Wait, his room-mate, would also vote for him and would have called upon him that evening with him, but he was not able to come out, and that he was authorized to state he could rely on the vote of Mr. Bull and Mr. Wait on the next ballot. He took occasion to say that he was a man that when he had made up his mind he did not change it, and he could rely on his vote. He only spoke of Mr. Wait as coming from him, that he could rely upon that through Mr. Bull, but not in any other way.

Cross-examined by Mr. WEBB :

Q. That was before the anti-Ingalls caucus was held, was it not ?—

A. It was during the session of the anti-Ingalls caucus.

Q. It was before that caucus had placed Judge Horton in nomination ?

—A. It was while that caucus was yet in session.

Q. That is what you said ; but it was before that caucus had succeeded in making a nomination, was it not ?—A. I do not know what time they made the nomination.

Q. What time in the evening was this conversation ?—A. My recollection is that it was about nine o'clock.

Q. At that time you did not know that Judge Horton was nominated as the candidate of the opponents of Senator Ingalls ?—A. I did not.

Q. Is it not the fact that General Bull then and there stated that himself and Wait were opposed to Phillips, and that they both expected that Phillips would be the nominee of the anti-Ingalls caucus, and as between Phillips and Ingalls they would support Ingalls ?—A. No, sir ; that was not the conversation.

Q. Was there not some statement to that effect by General Bull ?—A. General Bull made this statement, that he had been in favor of some other parties for the position—perhaps knowing them ; I do not remember now whether he did or not—but that now they were for Senator Ingalls.

Q. Himself and Wait ?—A. Yes, sir ; speaking for himself and as coming from Mr. Wait.

Q. Did he not put it upon the ground that he regarded the contest as to be between Phillips and Ingalls ?—A. No, sir ; not to my knowledge. I did not so understand it.

The committee adjourned until to-morrow at half past 9 o'clock a. m.

TUESDAY, October 7, 1879.

The committee met pursuant to adjournment, all the members being present, and also the counsel for the memorialists, and the respondent with his counsel.

THOMAS H. CAVANAUGH, a witness called by the memorialists, sworn and examined.

By Mr. WEBB :

Question. You are a resident of the county of Sabine, in this State, are you ?—Answer. Yes, sir.

Q. How long have you resided in Kansas ?—A. Ten years.

Q. Were you secretary of state of the State of Kansas for the four years ending in January last ?—A. I was.

Q. Were you here at Topeka during the last Senatorial contest any portion of the time ?—A. I was from the beginning to the end of it.

Q. On the morning upon which the final vote was taken did you have any conversation, or hear any conversation between Mr. Purcell and Mr. Baker at the Tefft House?—A. I had conversation with both of them, but did not hear any conversation between them.

Q. Had you yourself any conversation with Mr. Purcell there concerning Mr. Baker?—A. Do you want I should tell you just how it happened?

Q. Yes.—A. I was in Governor Anthony's room talking to Mr. Purcell, when Mr. Baker came in. He spoke to Mr. Purcell. What he said I do not know. Mr. Purcell turned around to me and asked me if I was acquainted with Mr. Baker. I told him I was. He asked me if I considered him a man of integrity and a responsible man. I told him that I did in everything except politics, and in that I did not consider him straight all the time. Further than that I did not have any conversation with Mr. Purcell about Mr. Baker until after the vote for United States Senator.

Q. In this conversation with Mr. Purcell was there anything said about Mr. Anderson, or about money being paid to anybody?—A. No, sir.

Q. The Purcell that you speak of is E. B. Purcell, of Manhattan?—A. Yes, sir.

Q. And the Baker is H. D. Baker, of Saline?—A. Yes, sir.

Q. Are you acquainted with Senator I. O. Savage?—A. I am.

Q. How long have you known him?—A. About six years.

Q. In your conversation with Mr. Purcell was there any reference made, direct or indirect, to you, or in your hearing, about the use of money in regard to the Senatorial election?—A. There was not at that time.

Q. Nor at any time before the final vote had been taken and the result determined?—A. No, sir.

Q. What time in the morning was this conversation between yourself and Purcell?—A. I should judge it was close to ten o'clock; somewhere near to ten o'clock.

Q. Returning now to Mr. Savage, did you see Mr. Savage on Friday morning after the anti-Ingalls caucus had adjourned?—A. I did.

Q. Where did you first see him after the adjournment of that caucus?—A. I saw him at the room of Major Simpson in the Tefft House; I think room No. 84.

Q. Who was present besides yourself and Savage?—A. There was Mr. Simcock, of Council Grove; J. W., I think his initials are, but I am not certain; and Leslie J. Perry, of Paola; myself, and Major Simpson, and I think part of the time C. J. Brown.

Q. Did you remain there, or did you go anywhere from there together?—A. We remained there talking some time, and then went over to the restaurant under the city building to eat some breakfast. We did not call it breakfast, but it was to take a lunch.

Q. State if there was any conversation at that time respecting Judge Horton and Senator Ingalls, in which conversation Mr. Savage made any expression of opinion; and if there was, state just what did occur between the parties.—A. This was about five o'clock in the morning after the caucus that nominated Mr. Horton. We sat in a stall over in the restaurant; we had ordered our breakfast. There were five of us there, the four gentlemen I have named and Mr. Savage. In talking over the result of that caucus, while we were all in favor of Mr. Horton, four of us expressed a preference for Mr. Ingalls as between Ingalls and Horton as a first proposition, but we were all in the struggle to beat Mr.

Ingalls, and to elect Mr. Horton. Mr. Savage alone was a Horton man. He expressed himself as a Horton man in emphatic language. He said if every other man in that legislature voted for Mr. Ingalls he would not do it. That was at five o'clock.

Q. Did you see Mr. Savage again that morning after that?—A. Yes, sir; I saw him twice.

Q. Where did you first see him after the conversation you have now related?—A. I saw him in the hall-way, the south hall-way in the Tefft House.

Q. Were you there waiting for him, or watching for the purpose of seeing him?—A. I was.

Q. How long had you been there waiting before you saw him?—A. I cannot tell; some minutes; probably a quarter of an hour.

Q. Where was he when you first saw him?—A. He came into the door. He came out of the street into the hall-way.

Q. Did you have any conversation?—A. Yes, sir.

Q. What conversation did you have with him at that time, if any, regarding the Senatorial election?—A. It was in reference to the election of Mr. Horton; the work that was to be done to elect him.

Q. State what the conversation was.—A. I can only state in a general way that we talked the matter over, and he assured me then that he was for Mr. Horton, and for me to see somebody that was not.

By Senator VANCE:

Q. What time of day was that?—A. I should judge between nine and ten.

By Mr. WEBB:

Q. Go on.—A. The second time I saw him, I should think, was about half-past eleven. That was the second time I sought him out, and it was done at the instigation or request of Mr. Eggers. He told me that he had seen Mr. Savage go into Mr. Ingalls's room, and he did not like the appearance of it, and that I had better see him. I saw him come out of the room and go down stairs with two gentlemen with him.

Q. Out of what room?—A. Out of Mr. Ingalls's room; that is, out of room 19, I think. It is on the left side of the hall. He went down stairs, he and two gentlemen. I followed them down. They left him and I overtook him on the cross-walk between the Tefft House and the city building. I spoke to him and asked him what was the meaning of all these things. He said there was not anything in it. I asked him, "Is there anything in it?" He said yes, he was going to vote for Horton when he got up to the State-house. That was the remark he made to me between eleven and twelve o'clock.

Q. Do you know where he then went?—A. He started in the direction of the State-house.

Q. Was any one with him?—A. I did not see anybody with him when he started. There may have been somebody with him.

Q. How long was that before the joint convention assembled that elected Mr. Ingalls?—A. I should judge it was somewhere between fifteen minutes and half an hour of the hour set for the assembling of the joint convention.

Q. Are you able to state what gentlemen came from Senator Ingalls's room with Mr. Savage at the time you saw him come from that room?—A. I cannot state positively. I have my recollection of it, but not positive enough to swear to.

Q. Give us your best recollection.—A. I think it was Byron Roberts and Mr. Danford.

Q. J. S. Danford?—A. I think he is named J. S.; he lives at Osage City, but I am not positive as to that; that is simply my recollection.

Q. Are you acquainted with James R. Hallowell?—A. Yes, sir.

Q. How long have you known him?—A. Since 1872.

Q. Did you hear him express himself in regard to the Senatorship at any time during the summer and fall of 1878 down to the time the legislature convened?—A. I had two or three conversations with Mr. Hallowell about the matter.

Q. State what he said.—A. I cannot state the exact language, but the impression left upon my mind by the conversation was that he was for Mr. Simpson for United States Senator. I most assuredly was, and I believe that he agreed with me.

Q. Did he make any statement to you concerning Mr. Ingalls?—A. I do not know that he did, only in a general way.

Q. When were these conversations with Hallowell? Down to what period of time did they occur?—A. Down to the week before the meeting of the legislature. I think the last conversation I had with him was in that week.

Cross-examined by Mr. EVEREST :

Q. You say you did not see any money pass between Purcell and Baker?—A. I did not.

Q. After you had been consulted as to Baker being a good fellow, where did Baker and Purcell go?—A. Baker went out of the room and Mr. Purcell staid there.

Q. You did not see any money pass between them?—A. I did not.

Q. You heard no conversations about money having passed between them after the Senatorial election, did you?—A. I did.

Q. Where was that?—A. I have not heard any conversation between them.

Q. From Mr. Baker?—A. I have heard from Mr. Baker.

Q. And Mr. Purcell?—A. Yes, sir.

Q. What did they say about it?—A. Mr. Baker told me that he had received \$700, I think, in some way, from Mr. Purcell, to buy the vote of Mr. Harry Anderson, and that Mr. Anderson had not kept his contract and Mr. Purcell wanted the money back. That was Mr. Baker's story.

Q. Did Mr. Purcell say anything to you about helping to get the money back?—A. Mr. Purcell came to me and wanted me to help him find Mr. Baker; that Mr. Baker had not done as he agreed to do. I went with him to Mr. Baker's room, and I found Mr. Baker in bed. Mr. Purcell staid in the room and I left the place.

Q. You did not hear then what went on between them?—A. Not what passed between them at that time.

By Senator BAILEY :

Q. Did you hear it afterwards?—A. I heard no conversation between Mr. Purcell and Mr. Baker; that is, I was not a witness to any conversation. I have heard statements from both parties, but was not a witness to what passed between them.

By Senator VANCE :

Q. You say that the last time you saw Mr. Savage prior to the election was at eleven and a half o'clock?—A. Somewhere about that hour, I should think.

Q. And he was then on his way to the capitol?—A. Yes, sir.

Q. And that he then told you he was going to vote for Horton if he got to the capitol?—A. That is the way I understood him.

Q. Did you ever have any talk with him afterwards and hear any reason why he changed?—A. No, sir; I did not.

By Mr. WEBB:

Q. What time was the conversation between yourself and Baker in which he told you he had received \$700 from Purcell?—A. That was after the election.

Q. What time?—A. It was I should judge about four o'clock in the afternoon of Friday, some time after dinner on Friday.

Q. What time was it you saw Purcell when he wanted you to assist in finding Baker?—A. It was about dusk.

Q. Of the same day, Friday?—A. Yes, sir.

Q. You went with Purcell to Baker's room and found him in bed?—A. Yes, sir.

LORENZO H. WHITNEY, a witness called by the memorialists, sworn and examined.

By Mr. WEBB:

Question. You reside in this city?—Answer. I do.

Q. You are an attorney-at-law here?—A. Yes, sir.

Q. Were you at the Tefft House in this city after the final vote for United States Senator in January last, at which time you saw James F. Legate?—A. Yes, sir. I was in the Tefft House the morning after the election and saw Mr. Legate.

Q. At what place in the Tefft House did you see him?—A. Two or three places. First, I think, I saw him up in the room that Mr. Pomeroy had occupied, and after that down in the office.

Q. Had you any conversation with Mr. Legate or did you hear him make any statement concerning corruption or alleged corruption in the election for Senator? And, if so, state what Mr. Legate said.—A. If you will allow me, I will just give what I know about it in narrative form.

Q. Do not take too long.—A. Very well. I think it was about ten o'clock on the morning after the election; some gentleman, I do not remember who, came over to my office, which is on the opposite side of the street, this side of the post-office, and invited me over to the Tefft House. I went over and saw several gentlemen, and among others Mr. Legate. They were discussing this question of the Senatorial election that had happened the day before, and Mr. Legate was pretty severe in his denunciation of the manner of the election; called it a damned fraud and the damndest corruptest thing he ever heard of, and beat Caldwell's case all to hell, and all that sort of matter. He denounced the election, denounced the whole Ingalls outfit in fact. I believe he had been for Governor Anthony in the fight. There were probably half a dozen persons present when Mr. Legate was there. I remember General Clapp was there; I think Mr. Eggers, and I believe Mr. Clarke came in. I do not know but what he was there all the while; he was in and out.

Q. Sidney Clarke?—A. Sidney Clarke, and I do not know but Colonel Stumbaugh. I think he was there. He was in and out. There may have been others.

Q. In Mr. Legate's denunciation of corruption did he state which party had been guilty of corruption, the Ingalls party or the anti-Ingalls party?—A. He said that the whole damned Ingalls outfit was as corrupt as hell; that there had been no election; it was a damned purchase.

Q. That is what he said?—A. Yes, sir. He was pretty plain in the

matter. I think he was pretty warm because he had been beaten the day before.

No cross-examination :

WARREN W. GUTHRIE, a witness called by the memorialists, sworn and examined.

By Mr. WEBB :

Question. Do you reside in the city of Atchison ?—Answer. Yes, sir.

Q. How long have you resided there ?—A. Between fourteen and fifteen years in the city of Atchison.

Q. How long in Kansas ?—A. Between twenty-two and twenty-three years.

Q. Were you a member of the senate at the last session of the legislature ?—A. I was the member elected after Judge Horton's declination, and in the place to which Judge Horton had been previously elected.

Q. Are you acquainted with John M. Price ?—A. I am.

Q. With Sidney Clarke ?—A. Yes, sir.

Q. Are you well acquainted with each of those gentlemen ?—A. I think so; especially more intimate with Mr. Price than any of the others.

Q. Were you at Topeka in December last, at a time when John M. Price and Sidney Clarke were here ?—A. I was. I came over with Mr. Price.

Q. For what purpose ?—A. Especially to have a conference with Mr. Sidney Clarke and to make our arrangements for rooms for the session.

Q. Was there a conference between yourself, Mr. Clarke, and Judge Price ?—A. There was.

Q. Where was that conference ?—A. At the Tefft House.

Q. State the purpose of that conference ?—A. The purpose, especially between Mr. Price and Mr. Clarke, was to make some arrangement to secure what was known as the anti-Ingalls vote for speaker, both of them being candidates.

Q. Both of them anti-Ingalls men ?—A. Well, I certainly so understood it.

Q. State whether it was then talked that Mr. Ingalls's candidate was Mr. Biddle, of Linn County ?—A. Certainly.

Q. If anything was said there by either of those men in your presence in regard to the organization of the house and a combination between themselves to defeat the Ingalls candidate, state what was said and what was agreed upon as far as you know.—A. The substance of it was that Mr. Clarke and Mr. Price was each a candidate and expected to receive the support of the same interest, the anti-Ingalls interest. The talk was how it could be accomplished to secure the vote so as to result in that success, especially with its bearing on the Senatorial election, and to prevent the election of Mr. Biddle.

Q. State whether it was there understood and said by them that the election of Biddle would advance the interests of Senator Ingalls while the election of either Clarke or Price would be against Ingalls.—A. The substance of it was that, as we say, to pool the issues to accomplish that result.

Q. As a matter of fact, was not Mr. Clarke afterwards elected speaker by the anti-Ingalls vote in the house ?—A. I was not in the house at the time. That was said to be the understanding.

Q. Was not Mr. Price elected speaker *pro tempore* by the same support, or understood to have been by the same support, that elected Mr. Clarke for speaker ?—A. I should not like to say about the organization

of the house. Beyond the effort to secure votes for Mr. Price, which I did very earnestly, I am not qualified to speak about the action of the house.

Q. Judge Price was elected speaker *pro tempore*, was he not?—A. Yes, sir.

Q. You yourself were opposed to Senator Ingalls's re-election?—A. I cannot say that as a distinctive proposition. I was a very active supporter of Mr. Price, who was, as I certainly understood, very actively opposed to Mr. Ingalls, rather in what I understood to be the interest of our people there at home, that we might have an independent representation. That was my understanding of it.

Q. You may state whether the interest of your people at home, as you understood it, by an independent representation, was to have one that was not controlled by Mr. Ingalls?—A. That is what I understood and was assured, and I assisted and worked to that end, to have an independent representation in the house in the interest of the people of that county, as I intended to be on my part in the senate.

Q. To go back to Price's nomination, do you know of your own personal knowledge what the issue was in the caucus that nominated Mr. Price for representative?—A. I know that the distinctive friends of Mr. Ingalls made up primary tickets in each of the two wards constituting that representative district. I know that Mr. Price and myself and two other gentlemen made up a ticket that we understood was in opposition to them, and we elected it in each ward, with the fight made on it that it was an anti-Ingalls ticket.

Q. The ticket you and Judge Price supported was the anti-Ingalls ticket?—A. That was the fight made on it, and we elected it as such in each of the two wards constituting that district.

Q. Who made the fight on your ticket, the Ingalls men?—A. What were understood to be Mr. Ingalls's active supporters; and after the primaries had been elected, which was in the absence of Mr. Ingalls, he was telegraphed for to come home and did come home. This was Saturday night. He got home, I believe, on Monday, and our convention was on Wednesday night or Thursday; I think Wednesday night. I know that it was a very square pull, and we nominated Mr. Price by one majority.

Q. In the district convention?—A. Yes, sir.

Q. Who was the Ingalls candidate at the primaries and in the convention?—A. Mr. Samuel C. King was understood to be Mr. Ingalls's special friend. I desire to state this; in that contest we were all citizens of Atchison; Mr. King was understood to be Mr. Ingalls's choice, and Mr. Price was understood to be against Mr. Ingalls's choice. That was the contest square.

Q. Now, with respect to Judge Price personally, you may state whether he did or did not make a bitter fight against Ingalls?—A. That was the understanding. There was no special bitterness about it that I am aware of. It was, you might say, a very warm fight to secure his nomination and prevent the nomination of Mr. King. But in the election of the primaries, I may add, Mr. Price and myself each from our respective wards had been elected delegates.

Q. In the convention of Wednesday night, was Mr. Ingalls himself present?—A. He was.

Q. In that convention he and his friends supported Mr. King and urged his nomination?—A. I so understood.

Q. At that time there was no vacancy in the Atchison post-office, was there?—A. No, sir; the vacancy in the Atchison post-office occurred

the very night that Mr. Price and Mr. Clarke and myself had the interview here at Topeka.

Q. By the death of Mr. Gale?—A. Yes, sir.

Q. After that, and before the legislature met, did you have any conversation with Mr. Price as to his vote for Senator?—A. We talked about the matter often.

Q. What were his position and views, as he expressed them himself to you?—A. Disposed to vote for any other Atchison man for Senator in preference to Mr. Ingalls.

Q. After he came here to Topeka, state whether you had any conversation with Mr. Price then as to what course he should pursue in the Senatorial contest.—A. We had adjoining rooms at a private house for the purpose of being together, and talked matters over very frequently.

Q. Just state his position and course, as you know it, from that time on to the end of the contest.—A. I knew of no change, and there was no different talk until Wednesday night before the election. The first interview I had had with Mr. Ingalls was that night in Mr. Price's room adjoining mine, in company with Colonel Martin, of the Champion, and Mr. Price. The next interview was just before I went up to the caucus which nominated Judge Horton, when I told Mr. Price that I predicted that that would be the result, and he congratulated me, hoping that it would be.

Q. That is, Horton's nomination?—A. Yes, sir. The next morning I called him up out of bed and had a talk with him about it, and he went to see Judge Horton at the Tefft House, and between nine and ten o'clock I met him in Judge Horton's room, No. 113, of the Tefft House. After he had some talk with Judge Horton, the Atchison post office was talked of, and I was requested by Judge Horton to assure him on the subject, which I attempted to do there in the room, and his answer to me was equivocal, but he said Mr. Ingalls would be Senator until the 4th of March, and the post-office would be disposed of before that time.

Q. Who said that?—A. Mr. Price.

Q. Was Mr. Price's nomination, as postmaster at Atchison, then understood to be pending before the Senate of the United States?—A. I understood that it was not then pending, but it seems I was mistaken, for Mr. Price had talked with me freely about the matter as warm personal friends, as we were political friends, and had come to me and shown me a letter which he had written to Mr. Ingalls, peremptorily declining the Atchison post-office. I had urged him on account of his circumstances, if he could get it in an honorable way, to accept it, and he had shown me Mr. Ingalls' dispatch in answer to it, a telegram, and the talk was that he did not propose to put himself under any obligation to Mr. Ingalls at that time.

Q. This was before Horton's nomination, was it?—A. This took place before the meeting of the legislature, for he told me that Mr. Ingalls desired him to accept the post-office and resign the election. I advised against it as a thing he could not afford to do.

Q. The morning of the interview between Judge Price and Judge Horton you say there was some talk about the post office between those two gentlemen, Price and Horton. Did Price want the post-office and Horton want to be Senator?—A. There had been, and there was between Mr. Price and myself after the talk with Horton. At the request of Judge Horton I talked with Mr. Price.

Q. In that conversation did Mr. Price want the post-office, whichever was elected, Ingalls or Horton?—A. Very decidedly.

Q. And he said in regard to his vote that Ingalls would be there, meaning in the United States Senate, until the 4th of March, whether re-elected or not?—A. There was that and another thing about the votes to elect Judge Horton. I thought I knew where the votes to elect Judge Horton were, and Judge Horton had told me that Mr. Price said that Wait, of Lincoln, and Bull, of Osborne, would vote for Ingalls; and while we were talking (Horton, Price, and myself) Wait, of Lincoln, came in and Judge Horton referred Mr. Price to Mr. Wait, and Mr. Wait gave him the assurance that they were both going to vote for Horton. That was the time when Mr. Wait told me money was being offered, and I told him if they were offering money to go out and take all that they had to give, and he started out, and while he was out I had the balance of the talk with Mr. Price.

Q. Is it a fact that at that time Mr. Price was quite sensitive and quite anxious upon the question of the postmastership of Atchison?—A. Well, I have stated the facts as I understand them; I prefer to leave the conclusions to others.

Q. Was that the last interview you had with Judge Price before the final vote was taken?—A. Yes, sir.

Q. You separated, then, at Judge Horton's room, in the Tefft House?—A. Yes, sir.

Q. At the time you separated from Judge Price, you may state whether you understool him to be friendly to Ingalls's election or friendly to Horton's?—A. Friendly to Horton's, but the 4th of March was a good ways off.

Q. And Ingalls would be Senator till the 4th of March? Now, you know as a matter of fact whether Judge Price himself made any effort to work up strength for himself in the anti-Ingalls caucus which was held on Thursday night; I mean strength for himself as the anti-Ingalls candidate?—A. I do not know personally as to that, except the suggestion made to me.

Q. By whom?—A. By Mr. Price, and by Judge Hubbard and others; I do not recollect who, but especially by Judge Hubbard.

Q. In Price's presence?—A. I cannot say; our rooms adjoined with folding doors between, but I cannot say how it was.

Q. State any conversation between yourself and Judge Price, in regard to his being a candidate before the anti-Ingalls caucus.—A. I cannot place any conversation, for my judgment was, and I so said to him, that Judge Horton was the only Atchison man that we could nominate that we could elect; that was my honest judgment, and I thought that the sentiment of that county would be better satisfied with that result than any other, and I acted to that end.

Q. Are you acquainted with Senator J. O. Savage?—A. Yes, sir.

Q. Do you know whether Mr. Savage had been informed of Judge Horton's connection with the Montgomery County bond case, at any time before Mr. Horton was nominated? And, if so, state what you know in that regard.—A. Mr. Savage and I were, you may say, neighbors and rather particular friends, and our seats were very close together in the senate, and we conferred together, I guess, as much as any two members of the body during the former session and this session. Senator Myers and Representative Ballard and myself had been the sole members voting for Judge Horton up to Wednesday or Thursday morning; Colonel Grass of the senate had threatened me that if we ran Horton up to any strength, he would spring the Montgomery County business, and told me what he claimed it to be. I went to Judge Horton and got his story of it, and then I conferred with Mr. Savage about it, and he

laughed about it as nonsense, and was a very active supporter of the nomination of Judge Horton after dropping Simpson. In the caucus at which Horton was nominated, we sat within a few feet of each other during the voting.

Q. In the anti-Ingalls caucus?—A. In the caucus that nominated Judge Horton.

Q. Then Senator Grass's story concerning Judge Horton and the Montgomery County bond case was actually known by Senator Savage before the anti-Ingalls caucus was held, that nominated Judge Horton?—A. As Grass had told it to me I told it to Savage; and as Judge Horton had told it to me I told it to Savage.

Cross-examined by Mr. EVEREST:

Q. What representative district is it that Mr. Price represented?—A. The number I now forget; it is composed of the two north wards of the city.

Q. The second and third wards?—A. The second and third wards.

Q. You stated to the committee that the direct issue was made in that representative district of "Ingalls" or "anti-Ingalls" as you understood it?—A. I stated that the issue was to beat Price as opposed to Ingalls, and that we nominated him in spite of the opposition.

Q. Was the issue "Ingalls" or "anti-Ingalls," in that convention?—A. I tried to avoid that issue, because I did not think we ought to have any fight over it at home.

Q. You were opposed to Senator Ingalls at that time, you say?—A. I do not say that I was opposed to Senator Ingalls at that time, but I was in favor of having an independent vote, that there should be something more than a representative to elect a United States Senator. That was my position and the reason why I supported Mr. Price.

Q. You were a delegate to that convention?—A. I was.

Q. John M. Price was a delegate to that convention?—A. Yes, sir.

Q. You were personally present?—A. I was.

Q. Did you know of a resolution being introduced into that convention by which the candidates before the convention for nomination were pledged unequivocally to support John J. Ingalls for United States Senator?—A. I did.

Q. Did you vote for it?—A. I did not vote for it or against it; and when my name was called on the roll-call, I distinctly said that I declined to vote, and did not vote either way.

Q. That was before any nomination had been made?—A. Yes, sir.

Q. How many votes were given for that resolution?—A. I think I was the only member refusing to vote. One other delegate voted nay, and I think all the others voted in favor of it.

Q. How many delegates were in that convention?—A. The convention was within one or two of being full, but I do not recollect the number.

Q. Approximate it as near as you can.—A. Say thirty.

Q. Do you say that John M. Price was personally present at that convention, and took part in it, or did his alternate take his place?—A. He was personally present, and his name was called; but who did the voting I cannot say.

Q. You say the convention was composed of at least thirty delegates, and on that resolution one voted nay and you refused to vote at all?—A. Yes, sir.

Q. That was before the nomination?—A. Yes, sir.

Q. Now, after the nomination, was a resolution again introduced into

that convention instructing John M. Price unequivocally to support Senator Ingalls from first to last for United States Senator?—A. I do not recollect but one resolution. I will not say about that.

Q. You do not recollect any resolution being introduced after the nomination of Mr. Price?—A. I cannot be certain whether there was one or two resolutions. Mr. Ingalls spoke at the meeting, Mr. Price spoke at the meeting, and I spoke at the meeting; but I cannot tell whether there was a resolution subsequent or not.

Q. Did you stay there till the convention adjourned?—A. I did.

Q. And now your memory fails you about there being any resolution introduced after Price was nominated?—A. I say I cannot be certain about it.

Q. Let me refresh your recollection. Did not John A. Martin introduce the resolution by which the candidate was instructed to support first, last, and all the time, John J. Ingalls for United States Senator; and was not that the sense of the convention?—A. The character of the resolution passed I cannot state at this time, except in a general way; and whether there was one or two resolutions passed I am not certain.

Q. How did you vote on the resolution last introduced?—A. Well, sir, I did not vote on any resolution.

Q. When did you make a speech in the convention; before or after the nomination?—A. After the nomination, and after Mr. Ingalls and Mr. Price.

Q. Did you say anything then against the resolution or oppose its passage?—A. I did not.

Q. And yet you say the fight was made against Mr. Ingalls's candidacy?—A. I say that Mr. King was not nominated, but Mr. Price was.

Q. Did you hear Mr. Price make any speech at that convention after his nomination?—A. Yes, sir.

Q. Did you hear him pledge himself to carry out the resolution to support Mr. Ingalls, first, last, and all the time?—A. I cannot say about the "last and all the time." It was a very graceful speech, as is usual on such occasions.

Q. Is your memory at fault also in recollecting the substance and tone of this speech?—A. I know Mr. Price said that he would abide by the will of the people that had nominated him, and that he would carry out their resolution in good faith.

Q. But you do not recollect whether the resolution that was passed in the convention after his nomination said anything about Mr. Ingalls's candidacy or not?—A. I am not certain about a second resolution.

Q. If you do not recollect the resolution, how can you now state that Mr. Price pledged himself to carry out the instructions of the convention if there was no instruction?—A. I say that a resolution had been offered and had been voted upon before the nomination was made. I recollect distinctly about that.

Q. There was no vacancy in the Atchison post-office at that time, was there?—A. No, sir.

Q. Mr. Price had no opponent at all in that election?—A. Not at the time of the voting.

Q. I mean at the polls?—A. Not at the polls. I think I know very well, too, the reason why he did not have any.

Q. You had never on any occasion pledged yourself to support Senator Ingalls, had you?—A. No, sir.

Q. Or stated that you were favorable to his re-election?—A. I had

never said that I was hostile to Mr. Ingalls, nor was I, nor that I would support his re-election.

Q. How many times have you been a candidate for Congress in that district?—A. Twice for the nomination.

Q. Were you never sour to Mr. Ingalls on account of your defeat?—A. I do not think that Mr. Ingalls and I ever had an unkind word about the matter in the world.

Q. You say you have not been very intimate with him?—A. Neither before nor after; there has been no change of our relationship on account of that matter.

Q. Then on account of your defeat there is the utmost good feeling and amiability existing between you?—A. I do not call it defeat. I do not think there ever was a word between Mr. Ingalls and myself about it, and Mr. Phillips or anybody else about the matter. You never saw a better natured candidate left at home in your life; you never heard any complaint about it either.

Q. You have taken some considerable part in instigating this investigation, I suppose?—A. I am not aware of having so done.

Q. You have contributed funds for the purpose of supporting the parties sent to Washington to annoy Mr. Ingalls and get up this investigation, have you not?—A. Judge Horton wrote me that there had been a demand made on him for funds, and that if I would contribute \$30 he would, too, and to forward it to the committee towards expenses. I did so. However, in my letter forwarding it I gave Judge Horton credit for the entire amount.

Q. When was that?—A. I cannot tell you; I made no note of it.

Q. In transmitting that amount, which you say was contributed by Judge Horton individually, did you dictate or authorize the sending of the following letter:

OFFICE OF W. W. GUTHRIE, ATTORNEY-AT-LAW,
Atchison, Kans., April 1, 1879.

DEAR SIR: At the request of Judge Horton I inclose you my draft for \$60.
Please acknowledge receipt.

Yours, truly,

W. W. GUTHRIE,
Per S.

Col F. S. STUMBAUGH,
Washington, D. C.

A. That sounds very natural; I guess that is it.

Q. Did you not authorize the sending of that letter?—A. I sent it myself. I suppose it was written by my stenographer, who does my correspondence.

Q. I suppose you did that also upon your previous amiability and good feeling towards Senator Ingalls, on account of your candidacy?—A. I did that on the suggestion of Judge Horton. I had supported him there actively, desiring his election, and Judge Horton had been written to for money and wrote me in this way, and I forwarded the money as he suggested. In justice to myself, since this has been referred to, I want to say here that no unkindness has ever existed between Mr. Ingalls and myself, and that to-day I am his attorney in important litigation pending in the district court of our county, as you know.

Q. Now, answer my question. Whose handwriting is that letter (exhibiting)?—A. (Examining.) That is Judge Horton's.

Q. What is the date of it?—A. April 25.

Q. Whom is it addressed to?—A. It seems to be addressed to Hon. J. J. Ingalls, Washington, D. C. It is the first time I ever saw or heard of it.

Q. I will ask you to read that portion of it and see whose handwriting that is from here down (indicating), and state whether you knew the contents of that portion of that letter previous to your coming here as a witness.—A. (Examining.) The letter is there to show for itself. I never knew of any such letter until you showed it here.

Q. You say that when you came here to Topeka to attend upon your duties as senator from Atchison county, you supposed Judge Price was opposed to Mr. Ingalls?—A. Taking his word for it, that he was personally opposed to Mr. Ingalls.

Q. Did you not have a conversation with Mr. Price previous to his coming here, in which the subject matter of the conversation was whether Mr. Price should resign his position as a member of the legislature for the purpose of accepting the Atchison post-office?—A. Yes, sir. That was at Atchison.

Q. At that time did he not show you a letter that he had written to Mr. Ingalls upon that subject?—A. That letter was the conclusion of our consultation on the matter.

Q. It was written then in your presence?—A. No, it was brought to my office by Mr. Price after it had been written.

Q. And shown to you?—A. And shown to me as carrying out my ideas that I had urged him to adopt in the matter.

Q. Was not that conference upon the question solely of whether it would be right for Mr. Price to resign his position as a member of the legislature for the purpose of accepting the post-office?—A. It was in substance that Mr. Ingalls had offered him the office and desired him to resign, and I told him that he could not afford to do it.

Q. Is that the letter shown you at that time (exhibiting a letter)?—A. (Examining.) My impression would be that the letter was written all on one page.

Q. Is that the letter which was shown you at that time?—A. I cannot be certain as to that. I think that letter peremptorily declined the appointment.

Q. Did you read the letter that was shown to you at that time, or did Mr. Price read it to you?—A. Mr. Price read it to me.

Q. You are positive of that?—A. Yes.

Q. Was the substance of that conference not whether Mr. Price should give up his seat in the legislature and accept the post-office at that time, or whether he should serve?—A. The substance of that interview was that I did not believe in shaking post-offices at members of the legislature on the eve of a Senatorial election.

Q. That was your speech on that occasion?—A. That was the substance of it.

Q. When you came here to Topeka you say that Mr. Price was opposed to Senator Ingalls?—A. Personally.

Q. To his re-election?—A. Yes, sir.

Q. You knew that he officiated as chairman of the Ingalls caucuses right along, did you not?—A. I did not. I was not in a caucus during the winter except the general Republican caucus and the caucus which nominated Judge Horton.

Q. You had no knowledge and information as to that fact?—A. I had not until after the election was over. Nobody had told me it.

Q. Do you now know that he officiated as chairman of all the Ingalls

caucuses?—A. I only know by having been told that that was his identification with that interest.

Q. Were you present at Union Hall on the night that Senator Ingalls spoke?—A. I was not.

Q. Do you know who was chairman of that meeting?—A. I did not.

Q. Did you learn by newspapers or by reports at that time?—A. If I did I cannot state now. I was not there or at any of the other of the meetings of that character.

Q. Do you say that Sidney Clarke's candidacy depended on his opposition to Ingalls?—A. I cannot say as to that.

Q. Do you not know it as a fact that Sidney Clarke promised everybody and was the candidate of every one that was here as Senatorial aspirants?—A. I should suspect that, if he came up to the average of a Kansas politician.

Q. I am only asking you if you do not know that he was supported by a large number of gentlemen in that legislature who afterwards supported Senator Ingalls for the United States Senate?—A. Yes; but that does not prove that they were not supporting him as the anti-Ingalls candidate when he was elected speaker.

Q. Do you not know that Mr. Price was not in Mr. Horton's caucus at all?—A. I certainly do; and Mr. Bull and Mr. Wait were not there, and several others were not there.

Q. Do you not know that there were many active and warm supporters of Senator Ingalls who also supported Mr. Clarke for speaker?—A. I never undertook to analyze the vote for the purpose of determining that question. I cannot say.

Q. Did not Mr. Anderson, of Shawnee County, support Mr. Clarke for speaker?—A. I cannot say whether he supported Clarke or Price.

Q. You were a member of the senate?—A. Yes, sir.

Q. But you were sticking your bill into the matter of electing a speaker of the house?—A. I did the best I could to get votes for John M. Price for speaker.

Q. You did that upon your previous good feeling and amiability towards Senator Ingalls?—A. I did that upon my good feeling for and interest in John M. Price, and I believe he was the most capable man in that body for that position. I did the best I could to secure it for him in the interest of the Republican party and the State and in his interest.

Q. You say that to secure the vote of Mr. Price you had assured him that Horton would make him postmaster, did you?—A. Well, I told him I would do the best I could.

Q. Had you any promise from Horton to that effect?—A. No, sir.

Q. You were a kind of commercial agent on that question. Had you a letter of attorney or was it simply verbal?—A. No, sir. I told him that I thought he had as good a show to get the post office from Horton as he had from Ingalls, and he came at me with a back-slap all the time that it was a good while to the 4th of March.

Q. Do you know, with the exception of yourself, how the members of the legislature from Atchison County voted upon the Senatorial contest?—A. Yes, sir.

Q. How did they vote?—A. Mr. Donahue started in for—

Q. I am asking as to the final ballot?—A. On the final ballot five voted for Mr. Ingalls and one voted for Horton.

Q. Who was the one that voted for Mr. Horton?—A. I was. I voted for him ever since the second day.

Q. I am not impeaching your integrity on that question at all. You

were the only member from Atchison County who supported Judge Horton?—A. I was.

Q. And yet you say to the committee here that the sentiments of that county were against Mr. Ingalls, and that you thought you were carrying out the wishes of the people of that county in opposing Senator Ingalls?—A. I said I thought I was carrying out the majority sentiment of that county in voting for Judge Horton. I thought so then and think so still.

Q. But five other gentlemen of the delegation disagreed with you, it seems?—A. I am aware of that.

Q. Do you say that Savage had been supporting Simpson for the United States Senate?—A. In the caucus he supported Simpson. I think he had voted for Phillips in the convention.

Q. And you understood him that when Simpson was out of the way he would support Horton?—A. He certainly did, in the caucus; was one of the most active supporters of Horton in the caucus.

Q. Did you ever hear Senators Grass and Savage talking the Montgomery County matter over?—A. I did not.

Q. Then, Mr. Savage, upon your statement to him of what Grass had said and upon the explanation that Horton had given you, seemed to regard the thing as a matter of nonsense, did he?—A. Yes, sir.

Q. But you do not know how he regarded it when he came to get the truth of the matter from Grass himself?—A. If Grass told me the truth he got the truth of it before that caucus.

Q. You were, I suppose, in the interest of Horton, in talking to him, were you not?—A. If you choose to call it such; I thought I was doing the square thing in the matter.

Q. And, of course, in order to obtain the vote of Savage you represented the worst side to him, did you not?—A. I told him the story of Judge Horton as he told it to me, and the story of Colonel Grass as he told it to me. He knew it just as well before the caucus as he did after.

Q. From what you had said?—A. Yes, sir; I did not talk with Savage in the morning in the senate at all; he was the last man in that whole body that I did not expect to vote for Judge Horton.

Q. Is there any other conclusion you wish to state?—A. I have stated that.

Q. State if you know the following gentlemen living in Atchison: A. B. Symms, R. A. Park, A. J. North, H. M. Glavey, J. B. Kurth, J. A. Kenney, R. M. Manley, E. Helper, A. Baumgard, S. O. Boreman, R. H. Hawthorn, C. H. Krebs, D. C. Merriam, J. A. Loper, L. L. Todd, Wm. Friend, Ben. Wallack, S. A. Frasier, J. T. Coplan, W. J. Challiss, S. Hesselberger, L. Friend, S. H. T. Johnson, W. C. McPike, George P. Challiss, A. H. Lanpher, Charles N. Requier, J. B. Silliman, J. L. Bliss, A. W. Simpson, and A. Welte.—A. I think I recognize two names there that I am not acquainted with.

Q. The rest you know?—A. Yes, sir.

Q. Are they a fair representation of the people of your party and of the business men of that city?—A. They are representatives of both parties.

Q. Do they not represent the principal business men of that city?—A. They are all prominent men in that city.

Q. Did you know of Mr. Price receiving a telegram on the morning of the 31st of January shortly before his vote for United States Senator urging him to vote for Mr. Ingalls, signed by those gentlemen?—A. I do not think I did.

Q. Then you do not know, aside from the resolutions passed in the

convention, what other reasons were given for his vote you say ?—A. I recollect a dispatch that he showed me from Kipper and some others.

Q. Did he not show you that dispatch before he voted ?—A. I do not think he did.

Q. Can you state now whether he did or did not ?—A. I do not think he did, but I would not be certain of it.

Q. Is not that the only dispatch that you speak about from Kipper and others (handing a dispatch) ?—A. (Examining.) I think that is the dispatch.

Q. Whom is that signed by ?—A. Signed by "Lewis Kipper."

Q. You know he had a personal pique against Senator Ingalls by reason of some matters connected with a distillery ?—A. I knew that there was some controversy, but what there was about it I did not know.

Q. You saw this dispatch, you say ?—A. I think that is the only dispatch that Mr. Price showed me.

Q. And still you do not recollect of seeing this one ?—A. I do not recollect seeing but one dispatch, and I think it is the Kipper dispatch ; but I will not say that he may not have shown me the other.

Q. Where did you see Senator Grass when you had this talk with him which you became the bearer of to Savage ?—A. I think it was in the Senate chamber on the afternoon of Wednesday or the morning of Thursday.

Q. And you went immediately then to Savage to tell him of it, did you ?—A. I went to Savage, to Henry, and to others who had been co-operating with me in the matter, that I supposed Savage likely to tell the same story to.

Q. Then I ask you if you considered Mr. Savage a very strong and ardent supporter of Judge Horton, why did you go to him to make these explanations ? Why the necessity of log-rolling with him ?—A. I went to him and the other gentlemen to put them on their guard against having any spring-guns in the business.

Re-examined by Mr. WEBB :

Q. You said that Price had no opposition at the polls, and stated that you thought you knew why he had no opposition. State why it was that he had no opposition at the polls ?—A. Because he satisfied both sides of the question that he was all right.

Q. If he was all right for Ingalls during the Senatorial contest, and on the morning of the final ballot, why was it necessary that large numbers of citizens and prominent men of Atchison should telegraph him in regard to his vote ?—A. It is a dispatch advising him to vote for Ingalls, I believe.

Q. If he was an Ingalls man, and known to be such, was it necessary that your people should give him backbone by sending him dispatches to keep him to the right track ?—A. My information was that the nomination of Judge Horton was very enthusiastically received there at Atchison, and they needed some back firing.

Q. Did that back firing come from Ingalls's friends ?—A. Yes.

Recross-examined by Mr. EVEREST :

Q. Did you not know that the evening before the final ballot there was a large meeting of the citizens of Atchison, in which resolutions were passed, and a large delegation came over here in the interest of Mr. Ingalls ?—A. Yes, sir.

Q. Did you read the resolutions that were passed at that meeting ?—A. I never got to see them.

Q. They were presented to you, were they not ?—A. No, sir.

Q. Did not gentlemen wait upon you urging you to support him, even after Horton's nomination, and did not you refuse to see them?—A. No, sir. I refused to go out of the Horton caucus while I was engaged there trying to secure the nomination of Judge Horton. After that was accomplished I was open to visitors, and at that very time you were down at Judge Horton's room consulting with him, and you were one of that delegation who came there, and more than half of those who came over in that car personally came to me and indorsed the action I had taken.

Q. Did you see me at Judge Horton's room?—A. He told me you were there.

Q. Did you see me there?—A. No, sir.

Q. Do you know of your own knowledge that I was there?—A. No, sir.

Mr. EVEREST. We desire to read this letter from Mr. Horton as identified, so that it may go into the notes at this time :

SUPREME COURT, STATE OF KANSAS,
Clerk's Office, Topeka, April 25, 1879.

MY DEAR SIR: Your two letters of late date have been received. I confess I was annoyed at some reports to me from Washington, and when I was informed that like statement had been made to Colonel Quigg, I told Mr. Wilson that I was not being treated right for my judicious and fair conduct since the Senatorial contest. I am glad to know, however, that these reports were wholly unfounded, and Colonel Quigg stated to me I had been misinformed. The correction is gratifying. I know nothing about the promise of contributions or remittances of which you write, as I have never been consulted in that matter.

Next week I shall be settled in a pleasant home, in this city, near to the capitol, and be very conveniently located. Thanks for the letters sent.

Yours, &c.,

ALBERT H. HORTON.

Hon. JOHN J. INGALLS,
Washington, D. C.

Senator CAMERON. What was the date of the remittance?

Mr. EVEREST. April 1, 1879. We desire also to read the letter in evidence that General Guthrie speaks of having been shown to him by Price. It has been identified as in the handwriting of Mr. Price :

"Atchison, Kansas,"—

Mr. WEBB. I suggest you have not proved that is the letter yet.

Mr. EVEREST. Very well, we are not particular about it. I desire now, in this connection, to read this telegram ; but we can do that when Mr. Price comes on the stand.

JOHN M. HODGE, a witness called by the memorialists, sworn and examined.

By Mr. WEBB :

Question. In what county do you reside?—Answer. Dickinson.

Q. Were you a member of the last house of representatives of the legislature of the State of Kansas?—A. I was.

Q. Are you acquainted with James S. Merritt?—A. Yes, sir.

Q. Had you any conversation with Mr. Merritt during the Senatorial contest in regard to your vote for United States Senator?—A. I had.

Q. Where did that conversation take place?—A. At the Tefft House.

Q. When was it?—A. I am not able to give the exact day. It was some four or five days prior to the election, or perhaps a week prior.

Q. State the conversation between Mr. Merritt and yourself, in your own way, omitting any unnecessary matters.—A. It was well understood that I was supporting Governor Anthony. Mr. Merritt did not

expect me to do anything else. I was an out-and-out supporter of Governor Anthony during the entire canvass up to the evening that Judge Horton was nominated. I voted for Governor Anthony every time I voted in caucus up to the Thursday evening previous to the election, which I believe was on Friday. It was well understood. Mr. Merritt did not expect anything else of me than to support Governor Anthony; never expected that I would support Mr. Ingalls.

Q. State what the conversation was about; whether it was about any support you might give any candidate, or withdrawal of support or withdrawal of opposition. Tell the story.—A. Mr. Merritt's anxiety seemed to be that I should cease, to a certain extent, my opposition to Senator Ingalls. I was perhaps somewhat active in my opposition to him.

Q. Had you been previously register or receiver of a land office in your district?—A. I was receiver of the land office at Cawker City and Kerwin from June, 1874, to July, 1878.

Q. Now, go on with the conversation you had with Mr. Merritt concerning the withdrawal of your opposition to Ingalls.—A. I had a good deal of conversation, and it is pretty difficult to give it in detail.

Q. Give the substance of it as briefly as you can.—A. Mr. Merritt, one evening, in the office of the Tefft House (I think the first time he spoke to me on the subject of my hostility, as he termed it, to Senator Ingalls), wanted to know if my opposition was of such a character that there was no possibility of overcoming it. I told him certainly not; that he could not expect me to do anything else but oppose Mr. Ingalls. There was very little more said that evening, that I remember.

Q. Did you assure him that your opposition was such that it could be overcome, or such that it could not be overcome?—A. Such that it could not be overcome.

Q. When did you next see Mr. Merritt on the same subject, and have any conversation with him?—A. I cannot tell exactly; it was within a day or two. I saw him every day, but I do not remember any conversation for perhaps a couple of days after that.

Q. State what he said to you in that regard.—A. Mr. Merritt seemed desirous that my opposition to Senator Ingalls should cease. He wanted to know if nothing could be done to overcome that opposition. I told him certainly not. He then made a remark like this, I am unable to give the exact language, but the idea was this, that inasmuch as I had been an applicant for reappointment to a land-office position he said there was another position that he thought would suit me better, that it was a very quiet one; it was perhaps not quite as remunerative as the land-office position, but it was a very pleasant and agreeable position, and was fair compensation. He referred to the position of clerk of the district court, the position held by Mr. J. C. Wilson.

Q. Did he mention the office?—A. He did.

Q. State what he said.—A. He wanted to know of me, if he could give me satisfactory assurances that I could have that position, whether I would cease my opposition to Mr. Ingalls—not whether I would vote for Mr. Ingalls; he did not expect that; did not ask that. I said that I was so intimately identified with what was known as the anti-Ingalls movement, and was meeting with Governor Anthony's friends in all the caucuses they had—as I believe I met in every Anthony caucus, that was held from the time the members met here up to the close—that I was so fully and thoroughly identified with the Anthony interest, and what we denominated the anti-Ingalls interest that I could not entertain the proposition.

Q. Was that all of that conversation?—A. I am not pretending to give just the particular interview it was. There were several interviews. I cannot pretend to give just the exact interview, but perhaps this proposition was at the second interview that we had within some few days prior to the election, during the excitement, during the time we were having caucuses from time to time.

Q. State whether in that same interview or any subsequent one he brought you any assurances that you should have the office of clerk of the United States district court then filled by Joseph C. Wilson. If he did, state what he said in that regard and what assurances he made.—A. Mr. Merritt did not bring me any.

Q. Or any other person; and, if so, who was it?—A. Mr. Joseph C. Wilson, the clerk of the court, a few evenings prior to the election, perhaps two or three evenings prior to the election, showed me a paper in the Tefft House purporting to be signed by Judge Foster—

Q. Judge of the United States district court?—A. Yes sir; judge of the district court; Judge Foster, of Atchison. The paper stated—I do not pretend to give the language of it; it was not lengthy; it was a short paper, not a very large piece—I am not prepared to say whether it stated in the event of the election of Mr. Ingalls, or in the event of my ceasing to oppose Mr. Ingalls, he would appoint me to the position of clerk of the district court—the position held by Mr. Wilson.

Q. Did you read the paper yourself?—A. I had it in my hand and glanced it over. Mr. Wilson told me what the substance of it was. I glanced over it, but cannot pretend to give the language. I took no copy of it and never held it in my possession. I immediately handed it back.

Q. Was there any name affixed to the paper?—A. There was.

Q. What was that name?—A. Judge Foster's name.

Q. C. G. Foster?—A. Yes, sir. I do not know whether it was written by Judge Foster.

Q. That paper was shown to you by Joseph C. Wilson, himself?—A. Yes, sir.

Q. He was then clerk of that court and is now?—A. I so understand.

Q. The paper was shown to you in the Tefft House about how long before the final vote was taken for Senator?—A. I should think a couple of nights before.

Q. What did you say to Mr. Wilson when he showed you that paper?—A. I am not able to tell you what the language was. I am unable to give the exact language or the substance of it.

Q. Did you assent to the proposition made to you to withdraw your opposition to Ingalls and accept that position, or did you decline it?—A. It is pretty well known that my opposition was not withdrawn.

Q. The question is what you said to Mr. Wilson. Did you give him any assurance or information as to your course at that time?—A. I think Mr. Wilson understood that I would continue to oppose Mr. Ingalls.

Q. Did you give him that assurance?—A. Nothing positive; no positive assurance.

Q. When Mr. Merritt suggested to you whether or not some other office that would suit you would be at your disposal if you would withdraw your opposition, did you give Mr. Merritt any assurance that you would withdraw that opposition?—A. No, sir; Mr. Merritt expected me to continue to vote against Mr. Ingalls.

Q. Are you acquainted with Samuel C. Pomeroy?—A. I have met

him a few times. I met him once prior to last winter. I was at his rooms at the Tefft House a number of times last winter.

Q. Are you acquainted with Charles S. Aldrich?—A. Yes, sir.

Q. Do you know a man known as Captain A. A. Thomas?—A. I know him intimately. I boarded in his family several years. He was register of the land office.

Q. Did he hold one position in the land office at Kerwin at the same time that you held the other?—A. He did. I came to the position at Kerwin in the summer of 1874, and Captain Thomas retired from the land office some time in 1876.

Q. At Senator Pomeroy's rooms, at any time, did you see Senator Pomeroy, Captain Thomas, and Mr. Aldrich?—A. I met Captain Thomas there several times, and met Mr. Aldrich there occasionally during the campaign.

Q. State whether at any of the times you were at Senator Pomeroy's rooms, or at any other time around the Tefft House or elsewhere, you heard any statement made by Mr. Pomeroy or Mr. Thomas, or made any statement yourself to either of them, in the presence or hearing of Aldrich, that there should be adopted any means and all means for the purpose of beating Senator Ingalls.—A. Not that we should adopt any means and all means. The defeat of Senator Ingalls was frequently discussed, but I never heard anybody discuss that all means or any means should be adopted.

Q. Was there any statement there in regard to using money as a means of defeating Senator Ingalls?—A. I never heard any.

Q. From any of those gentlemen?—A. From any gentleman at all in the room.

Q. Whether addressed to you or in your hearing?—A. Neither to me nor in my hearing.

Q. Did you hear any statement made in regard to the use of office or patronage or any means other than money?—A. I did not. It was frequently stated that money was being used. I heard the names of Mr. Hood and Mr. Danford used. I was frequently in Pomeroy's rooms during the last night of the canvass, that is, after Judge Horton was nominated; there were quite a good many persons in Mr. Pomeroy's rooms, and I heard it stated there that some gentlemen, named Hood and Danford, strangers to me, had taken a contract to elect Senator Ingalls. I do not know those parties and know nothing about it. I heard people speaking of using money, but I saw no money and heard of no person who received any money.

Cross-examined by Mr. MERRITT:

Q. You and I have been friends for a good many years, have we not—warm, personal friends?—A. Yes, sir; five or six years.

Q. We talked frequently together last winter?—A. Yes, sir.

Q. Did I ever offer you any consideration of money, office, or any valuable thing for your vote for Senator Ingalls?—A. No, sir.

Q. Did I not state to you that, in view of the opposition you had made against Mr. Ingalls, I thought it would ill become you and ill become Senator Ingalls to have you vote for him?—A. Yes, sir; it was understood by both of us that I could not vote for him.

Q. Is it true that when you were an applicant for reappointment as register of the land office at Kerwin I was your friend?—A. I so understood.

Q. That I desired to have my political friends assist your reappointment?—A. I believed so at the time, and have no reason to disbelieve it now.

Q. In the conversation of which you have testified, did I not try to assure you that the hostility to you came not from Senator Ingalls but from Colonel Phillips?—A. I think you so stated.

Q. That I was still a friend, and would always be your friend, notwithstanding that fact?—A. Yes, sir.

Q. Is it not true also that since your opposition to and vote against Senator Ingalls I have done what I could to secure you another appointment?—A. I have so believed.

By Mr. EVEREST :

Q. How many papers were shown to you by Wilson?—A. I only remember one.

Q. You read that?—A. I glanced it over.

Q. You do not know what was talked in Pomeroy's room when you were not there?—A. Certainly not.

Q. You were here in the interest of Anthony?—A. Yes, sir.

Q. You were more about Anthony's room and with Anthony's friends than with Pomeroy's?—A. Yes, sir; I was.

Q. You do not think Samuel C. Pomeroy was here to help elect Ingalls?—A. No, sir; I know he was opposed to him.

Q. You do not think he would use any means to beat Ingalls?—A. I knew he was opposed to Senator Ingalls.

Q. You know Samuel C. Pomeroy?—A. By reputation, very well.

Q. You do not believe he would use any means to defeat Ingalls?—A. I knew he was very strongly opposed to Senator Ingalls.

Q. Bitterly so?—A. I so understood. I knew he was very hostile.

Q. You knew that he was here for the purpose of defeating Ingalls?—A. Yes, sir; I understood so.

Q. And occupied two large rooms, known as Mrs. McMeekin's own rooms, for the purpose of getting up a sort of headquarters, and beating Ingalls?—A. Yes, sir; I knew he was here to defeat Mr. Ingalls.

By Senator CAMERON :

Q. How long have you resided in Kansas?—A. I came here in the summer of 1869. I came to Dickinson County, ninety-six miles west of here, in July, 1869.

Q. When were you first appointed receiver at the land-office at Cawker City?—A. My commission was dated June 4, 1874.

Q. Was that the first Federal office you had held in the State?—A. The first office of any kind I have held anywhere.

Q. Have you held any Federal office since that time?—A. I have not.

Q. Have you been an applicant for any?—A. Yes, sir; for that office and for receiver at the land-office in Saline, the next county west of my county.

Q. Did you go to Washington for the purpose of endeavoring to secure the office?—A. I did not.

Q. Is that the only office you have been an applicant for?—A. That is the only one, except the office of representative.

Q. I speak of Federal office?—A. That is the only one.

Q. You did not succeed in procuring that office?—A. No, sir.

Re-examined by Mr. WEBB :

Q. Were you in Judge Horton's room after he was nominated for the United States Senate?—A. I was.

Q. Did you see John M. Price there?—A. I did.

Q. If Mr. Price made any statements there concerning his position on the Senatorship, state what he said.—A. I went into Judge Horton's

room two or three hours before the time set for the joint convention, the next morning after Judge Horton was nominated. I found Judge Horton and Mr. Price standing at the foot of the bed. I went in and carried in what I considered a correct list, showing Judge Horton the names of 89 members that I believed would support him. I handed it to him and said, "You can depend on this as a correct list; these men will vote for you." The list did not prove to be correct, but I believed it then. Judge Horton was engaged in close conversation with Judge Price. Judge Horton said to me, "I wish you would tell Judge Price what you know about General Bull, of Osborne, and Judge Waite, of Lincoln, as to whom they will vote for." "Why," said I, "they will vote for you." Judge Price made a remark like this: "How do you know that?" or "Do you know that to be so?" "I do most unquestionably," said I. "Well," said he, "how do you know it?" I said I knew it from the fact I then explained to him that it had been made my duty at the caucus at which Judge Horton was nominated to wait upon General Bull and Judge Wait. I had gone in company with Captain Hamilton, of Norton County, about three o'clock in the morning, perhaps, or between three and four o'clock, and had called at Mrs. Rankin's where General Bull and Mr. Wait boarded, and had an interview with them, and they both assured me they would vote for Judge Horton. I was the first, I believe, who told them of Horton's nomination. I went there for the purpose of telling them. They had not attended the caucus at which Judge Horton was nominated. They assured me they would support Judge Horton, and I had assured Judge Horton of that fact. Judge Horton seemed to want me to explain to Judge Price what I knew about their position. I was explaining this to Judge Price, telling him how I knew; that I had conferred with these gentlemen and I believed them to be honorable, upright men, and I was as confident of their votes as I was of my own, almost. I so explained to Judge Price, and while I was speaking Judge Wait came into the room. Judge Horton had then taken the rooms occupied up to the time of his nomination by Governor Anthony. It was in the small room, not the large one—the small room at the head of the stairs in the Tefft House. I called Judge Price's attention, saying "here is Wait now." Said I to him, "Judge, here is a question as to how you and General Bull are to vote; settle this thing for the benefit of Judge Price." Judge Wait very emphatically settled it by declaring that he would support Judge Horton, and that General Bull would do the same.

Q. What did Judge Price say as to his own vote?—A. I am not able to tell you what he said. I know what impression I got at the time, but I cannot give his language.

Q. Did he make any statement as to how he would vote?—A. I cannot say that he did—that is, I am not positive. I cannot profess to give his language. I merely know the impression that I got. The point as I understand it, was that Judge Horton was laboring with Judge Price to procure his support, and Judge Price was willing to give it if he could only be assured that Horton would go through, and Horton was trying to convince him that he would go through, and as an evidence of it was stating the fact that Bull and Wait, of Lincoln, would support him.

JAMES M. STEEL, a witness called by the respondent, sworn and examined.

By Mr. EVEREST:

Question. Where do you reside?—Answer. In Emporia, Kans.

Q. How long have you resided there, and what business have you been engaged in for the last year?—A. I have resided there about ten years. I have been assistant cashier of the Emporia National Bank for the last year.

Q. What connection has Calvin Hood had with that bank?—A. He is vice-president.

Q. What bank is located at Osage City?—A. The Osage City Savings Bank.

Who are the officers of that bank?—A. Mr. J. S. Danford is president and Mr. T. B. Haslam cashier.

Q. Do you recollect a circumstance on or about the 6th of February last past, of some \$10,000 in money being procured from your bank by the Osage City Bank?—A. I do.

Q. State what you know in connection therewith.—A. I was the only officer of the bank that was there at the time. The cashier was in Topeka, I believe; vice-president Hood was out delivering some cattle and had been away some two days and was not back for a day or two later. I had a telegram from the Osage City Savings Bank; the telegram came to Hood, which I opened in his absence, among other things wanting \$10,000 by the next morning. I simply answered by telegram that Hood was not at home. The dispatch was in the evening. On the night train one of the officers, Mr. Danford, I believe, came down and I let him take the \$10,000 that he wanted, needed for the purposes of his bank as he represented, and took his demand-note for it; that demand-note made by him and indorsed by his bank, or made by the bank and indorsed by him, I am not certain which. I did not enter the amount in our discounts, but carried it for, I think, about three days, as cash. The transaction was one that had occurred before; otherwise I should not have taken the responsibility of allowing so large an amount to go out under the circumstances; but it had been done before and has been done since by the other officers of the bank, probably in three or four years, as much as four or five times money to that amount.

Q. Then the Osage City Savings Bank was a correspondent of your bank?—A. Yes, sir.

Q. And this was not an unusual thing?—A. It has occurred as much as four or five times in the last few years.

Q. The responsibility of the two banks was known to each other?—A. Yes, sir; we had in our possession a large amount of collaterals, probably forty or fifty thousand dollars' worth of collaterals, and it was on the strength of that that I felt assurance to make the accommodation.

Q. And this was on the 6th of February last?—A. The telegram, I think, was dated the 6th of February. It was probably the 7th that the currency was obtained.

Q. When did you receive any remittance in connection with that fund?—A. In return for it?

Q. Yes?—A. The currency itself, the identical currency, I think all of it, certainly almost all of it at any rate, was returned within three or four days. I do not remember, and our books do not show distinctly when, because, as I say the demand-note was not counted in our discounts.

Q. You delivered the currency to him personally?—A. I did.

Q. And the same currency came back in three or four days?—A. Yes, sir; not to exceed four days.

Cross-examined by Mr. WEBB :

Q. You say that telegram was to Mr. Hood ?—A. Yes, sir ; but I am not certain whether it was to him as vice-president, or to him alone.

Q. The telegram was to Mr. Hood ?—A. Yes, sir.

Q. Can you give its contents ? If so, give them.—A. I cannot give them *verbatim* ; I have not the telegram with me. It was, among other things, for him to come up to Topeka by first train and bring \$10,000 in currency.

Q. What else ?—A. I do not remember any other points in it.

Q. Did it say "important" ?—A. I believe it did. I remember that since you mention it.

Q. You opened the telegram and answered it to Mr. Danford ?—A. I opened it that night and answered it.

Q. Did Mr. Danford send another dispatch to you before he came in person ?—A. No. I am in doubt now as to whether he received my answer before he came down, although he probably did. I know I received the dispatch about eight o'clock that night in the bank.

Q. You are certain that in the dispatch to Mr. Hood was a request to Mr. Hood to come up to Topeka ?—A. Yes, sir ; it contained that.

Q. Did Mr. Danford state where he wanted to take this money when he got it, whether to his bank or to Topeka ?—A. He did not state.

Q. The dispatch had requested Mr. Hood to come up and go with Danford to Topeka ?—A. By first train ; bring \$10,000 in currency.

Q. And with the announcement that it was "important" ?—A. Yes.

Q. Mr. Danford did come there to get the currency and gave his demand note ?—A. Yes, sir.

Q. Where is that note ?—A. It was returned to them when the currency was returned.

Q. Who returned the currency ?—A. I do not remember ; it was one of the officers of the bank ; I think Mr. Haslam.

Q. Did he return it in person ?—A. Yes, sir ; personally. It was not returned by express. There were two Mr. Haslams connected with the bank ; one is brother of the other. The cashier himself, I think, brought it down.

Q. You do not know whether that was the same currency or not, do you ?—A. I say it was the same. The straps bore our marks.

Q. All of it ?—A. All of it. There was nothing at any rate to attract my attention to any different currency brought into it. My understanding was that it was returned ; that the exchange for which they had asked it had not come in and they had never used it.

Q. How was it that you noticed or came to notice that it had your marks upon it ?—A. It could hardly have been otherwise in handling over the currency, but that any person accustomed to handling it would notice the particular check-marks on the straps.

Q. Was there anything suspicious in the circumstance, or anything peculiar in his coming and getting \$10,000 in currency at one time and returning the same currency soon afterwards ?—A. No, sir. As I said, the circumstance occurred before and has occurred since also. In this case the understanding was when it was returned that the exigency for which they had called it had not arisen.

Q. You say the same circumstance had occurred before. Now, I will ask you if the Osage City Bank ever obtained a large amount of money in currency from your bank and returned the same currency afterwards ?—A. Yes, sir.

Q. When did it occur before that time ?—A. I cannot give you any dates about it. I think I put it entirely within the limit of fact. It

probably has been done many times within the last three or four years since Mr. Danford has been associated with the Osage City Savings Bank.

Q. I think you do not understand my question. When did it occur before this transaction of the 6th or 7th of February?—A. I cannot give you dates.

Q. Has it occurred since?—A. Yes.

Q. Has Mr. Danford or his bank obtained some amount of currency from your bank and returned the same currency since the 6th or 7th of February transaction?—A. Yes. I will not say that it had all been returned, but there have been large amounts of currency delivered to him under the same circumstances and the currency, or apparently the same, was returned; that is, a few packages we might not have checked or he might have changed some of the currency, but the majority of it was returned the same as sent to him.

Q. If you are unable to state that any large sum of money obtained since, when it was returned, was all of it the identical currency that was sent, how can you tell that all the currency obtained on the 7th of February was returned?—A. I did not say all was returned. I said the particular packages bore our marks, and I will say it was the same currency. I had no reason to doubt it at all.

Q. But it is not a question of doubt; it is a question of knowledge?—A. I do not know it.

Q. Can you state that all the currency that Mr. Danford took away from your bank, the identical packages, were returned?—A. I do not know it. That is beyond what I could reasonably be expected to know.

Q. What kind of bands do you use around your currency when you put it up in five hundred or thousand dollar packages?—A. Almost altogether paper straps fastened with pins.

Q. With the amount in the package written or printed?—A. Written. For four or five years we have not used any printed straps or bands. The bills are generally put up in \$500 packages, sometimes in thousands, and marked with the amount and date, the day it was made up or the day it was checked to make up.

Q. Does the Atchison and Santa Fé Railroad Company make deposits in your bank?—A. No, sir.

Q. Do you ever get any money with straps of that company upon it?—A. We have been in correspondence with the Topeka Bank for a good many years. We frequently draw currency from them, and I remember many times that currency we have received from them would bear the straps to indicate that they had been through that bank.

Q. What kind of straps would indicate that?—A. They have some particular mark; I do not remember what it is. I remember that we have noticed that frequently in business. I cannot tell what their strap is, but that circumstance we have noted frequently. In getting a package from any bank we often notice the mark of some country bank which we identify that has gone to Kansas City and back to us.

Q. Would you not notice if it was printed instead of being written?—A. Many are printed, but most are written.

Q. You do not know whether Mr. Danford took that money to Osage City or brought it to Topeka?—A. My understanding was that he took it to Osage City, but I do not know anything about it myself. That was his report to us, that he took it there for the bank, collateral.

Q. The Osage City Bank, then, has been in such a condition as several times to want sums as large as \$10,000 in currency that they would come for in the night-time?—A. Yes, sir.

Q. That has occurred frequently since the 6th of February as well as occasionally before ?—A. As much as twice probably since that time.

Q. When the officers of the Osage City Bank would get amounts as large as that \$10,000 ?—A. Yes, sir ; sometimes larger. I can remember at least one instance when the amount was larger.

Q. When was that ?—A. Within two months I let them have \$12,000. I think it was within two months.

Q. After the return of this currency by Mr. Danford or by an officer of his bank, how soon was it that a large sum was obtained at your bank for the Osage City Bank or for Mr. Danford again ?—A. I have nothing that will enable me to fix that. I have put it within limit when I say that at least twice since then it has been done ; the same kind of accommodation has been extended. I remember one time distinctly that I, myself, gave them \$12,000.

Q. What year was it that Mr. Danford obtained this currency ; 1877, 1878, or 1879 ?—A. This particular \$10,000 you inquire for I say was in February of last year.

Q. Which was it ; February of this year, or last year, or the year before last ?—A. It was February of this year, I guess.

Q. Do you know ?—A. Yes, by refreshing my memory. These transactions I say have occurred at various times within three or four years. I was giving my testimony ; I was referring to it as having occurred as far back as February of last year, February being the only date that I remember.

Q. How came you to remember February ?—A. I remember noting the dispatch since this matter has been investigated.

Q. How did you remember that it was February ?—A. By the date of the dispatch.

Q. Have you the dispatch ?—A. Not with me.

Q. When did you see it last ?—A. I saw it yesterday.

Q. Who had it ?—A. It is in the files of our bank. I could have brought it along with me, but I did not think it was important.

Re-examined by Mr. EVEREST :

Q. Have you examined the books of the bank of which you are the assistant cashier during the months of December and January last past ?—A. I have.

Q. During that time was there any money to any amount taken out of that bank by Mr. Hood, or on his check, that was sent or taken to Topeka ?—A. I know of no amount at all. When Major Hood was in Topeka he drew on our bank probably for some expense checks ; I think they would not exceed \$50, certainly not one hundred. It was probably altogether less than \$50. I took the pains to look over his account covering two or three months there and noted his checks. He does his business altogether through checks, and the only account he keeps that I know of—and I think I know his business thoroughly—is with our bank, and I think I know his account thoroughly.

BYRON ROBERTS, a witness called by the respondent, recalled by the memorialists.

By Mr. RIGGS :

Question. You are the cashier of the Topeka Bank ?—Answer. Yes, sir.

Q. Have you referred this morning to the exchange register of that bank so as to ascertain what, if any, drafts were drawn through your

bank and cashed by your bank between the dates mentioned in the subpoena?—A. I have, not thoroughly though.

Q. State, if you please, what drafts were drawn by Mr. James S. Merritt upon Senator John J. Ingalls that were cashed by your bank between the dates mentioned in the subpoena.—A. You looked in connection with me. We found one of \$300, dated February 11, on Senator Ingalls, for which we paid the cash.

Q. Drawn by James S. Merritt?—A. Yes, sir. Another of \$213 in favor of Peter Miller on John J. Ingalls.

Q. On what date?—A. I did not put that date down.

Q. That was February 6?—A. It was about that time.

Q. Who is Peter Miller?—A. A cigar maker in town who sells cigars.

Q. Did you refer to the individual accounts of the persons whose names were mentioned in the *subœpna duces tecum*?—A. Yes, sir.

Q. State whether or not, on February 6, you yourself checked out of that bank any sum of money, and, if so, what the sum was.—A. \$400.

Q. State what that check was drawn for.—A. I do not now remember.

By the CHAIRMAN:

Q. Was that check drawn for the purpose of paying any person for his vote in the Senatorial contest which had taken place?—A. Most emphatically, no, sir.

By Mr. RIGGS:

Q. On February 26, state what amount.—A. \$200.

Q. You say that you do not remember what that check was drawn for?—A. I do not.

Q. Do you keep a personal expense account?—A. I do not.

Q. Have you any mode of ascertaining now what you used that money for?—A. I do not think I could, but I might. The checks are written up every month and given to me; that is, I do not give checks at all; I simply make a charge on a debit slip; I see the books every day and know whether it is correct as far as my charge is concerned. If there is anything of importance, I keep them; if not, I tear them up.

Q. Did you preserve that check?—A. I do not know that I gave a check. I do not know what it was for, but I know what it was not for.

Q. And you have no means of ascertaining now for what that money was used?—A. I have not been up to see. I might be able to do that, but I do not know whether I could.

Q. Were you in the habit of checking out as large a sum as \$400 frequently?—A. Not frequently.

Q. Do you not think you would be likely to remember what you used so large a sum for on the 6th of February of this year?—A. Not necessarily.

Q. Have you drawn checks for as large a sum as that at any other time during the year?—A. Yes, sir, a good deal larger.

Q. On your own individual account?—A. Yes, sir; either then or a short time prior.

Q. For what amount did you draw larger than that?—A. I do not know. I can explain that to you. I do not remember what this was for.

Q. Do you remember what the other item was for?—A. The \$200; no, sir.

Q. Do you remember what the larger item of which you are now speaking was for?—A. I remember the circumstance of one.

Q. And yet you cannot remember what this was for?—A. No, sir.

Q. You live here in Topeka?—A. Yes, sir.

Q. Are you a man of large means?—A. No, sir.

Q. Referring to the account of J. C. Wilson, state if any large sums of money were drawn out by J. C. Wilson between the dates specified.—
A. On January 18 he drew \$878.25.

By the CHAIRMAN:

Q. A check in his own favor?—A. The charge is on the journal and ledger of \$878.25. I did not see the check.

By Mr. RIGGS:

Q. Do your books show in whose favor the checks were drawn?—A. No, sir.

Q. They do not show that at all?—A. The books do not show in whose favor anybody's checks are drawn.

Q. Referring to the exchange register, what, if any, draft was drawn by Mr. Charles A. Morris?—A. I remember that he drew a draft on himself of \$100, payable at Larned; he lives there.

Q. It was drawn here on himself at Larned, which you cashed?—A. Yes, sir; under what date I do not remember.

Q. Was it February 12?—A. It was between January 10 and March 10, I know.

Mr. EVEREST. I understood the chairman to ask the witness if those checks of his were anything connected with this Senatorial matter.

The CHAIRMAN. My inquiry was whether they were drawn for the purpose of paying anybody for his vote.

Cross-examined by Mr. EVEREST:

Q. As to the two hundred dollar check, how was that?—A. It is the same. I did not draw a cent for the purpose of paying anything on the Senatorial fight.

Q. It dates from February 6 to after the Senatorial contest.—A. Yes, sir.

By Senator VANCE:

Q. You do not know what use was made of the money after it was taken out of the bank?—A. O, no; I do not know anything about the others; I only speak of my own money.

CHARLES A. MORRIS, a witness called by the respondent, recalled for further examination.

By Mr. EVEREST:

Question. Do you know one R. H. Ballinger, who has been sworn here as a witness?—Answer. I do.

Q. Did you hear his testimony?—A. I read Mr. Ballinger's testimony. I did not hear it.

Q. Did you ever have any such conversation with him as he detailed in that evidence?—A. I never did.

Q. Did you ever, at any time or place, state to said Ballinger that if you were not appointed, by God, you would make their tails drag in the ground, referring to Ingalls and Plumb?—A. I never made a statement of any such tenor at all.

Q. When did you first learn of any such statement as that? Was it before or after you read the evidence of Ballinger?—A. I learned it here in Topeka, since I came up the last time.

Q. After Ballinger had testified?—A. I heard of a statement of that kind before Ballinger testified.

Q. Have you seen Ballinger since he testified in this case, or before he testified in this case?—A. I saw him before he testified.

Q. Had you any conversation with him concerning his connection with this investigation? If so, state what it was and when it took place.—A. I had, about six weeks or two months ago. I had a conversation with Mr. Ballinger at Larned, in which he stated that he had gone into this thing with the expectation of making some money out of it; that he had found he could make no money in it. He stated here in Topeka within the last week, to me, that he had written some cock-and-bull stories, as he termed them, to certain parties in Washington, and that the memorialists thought he knew a good deal in relation to this investigation, but as a matter of fact he did not know anything about it.

Cross-examined by Mr. WEBB:

Q. What Federal office do you hold?—A. I am register of the United States land-office at Larned.

Q. How long have you held that position?—A. Since December, 1874.

Q. Did your first term expire in December last?—A. It did.

Q. Do you not know, as a matter of fact, that the President of the United States nominated Lewis Hanback as your successor in the land-office at Larned?—A. I so understand.

Q. And that such nomination was pending in the Senate of the United States for some time?—A. Yes, sir.

Q. During what time was it pending?—A. I think Mr. Hanback's nomination was sent to the Senate in March last, and the nomination was not confirmed, and died with the last Congress.

Q. On the 4th of March?—A. Yes, sir.

Q. How long was it pending before Congress adjourned?—A. I cannot say.

Q. About how long?—A. I think only a very few days.

Q. After that, how long was it before you were nominated as your own successor?—A. I cannot say. There were several nominations sent in, withdrawn once or twice I think, and finally it was withdrawn twice, and the nomination again sent in, and my last confirmation dates 1st of May.

Q. Was not your last nomination sent in several times and withdrawn?—A. So I understand.

Q. During the time Mr. Hanback's nomination was pending before the Senate, and during the time your nomination was suspended by being withdrawn, were you not in a good deal of doubt about how the thing was coming out?—A. I never had any doubt about how it would eventually come out.

Q. Did you have any assurances which would remove or prevent doubt in your mind?—A. Yes, sir; I had the assurances from Senators Ingalls and Plumb that they were favorable to my reappointment. I had the assurance from the Commissioner of the General Land Office that I would receive the support of the Department in my reappointment. I had the almost united petition of the people of my land district, including all the members of the legislature from my land district, with one exception.

Q. And that was the member from your own county?—A. Yes, sir.

Q. You say that before you read Mr. Ballinger's testimony in the newspapers, which he had given here concerning declarations of yours, you had been informed that he had made some such statement. How did you get that information?—A. Senator Ingalls told me that he had made such a statement.

Q. Were you shown what purported to be a copy of a letter written by Mr. Ballinger to Mr. Pomeroy?—A. No, sir.

Q. Where does Mr. Ballinger reside?—A. He resides in Larned.

Q. The same town where you reside?—A. It is.

Q. Do you know where he is now?—A. I do not know.

Q. Do you not know, or have you not understood, that he has gone home to Larned?—A. I have not so understood. I do not know where he is. I have not seen him in town for several days.

Q. What distance is it to Larned from here?—A. Two hundred and forty-one miles.

ADELBERT C. DAWES, a witness called by the respondent, sworn and examined.

By Mr. EVEREST:

Question. Where do you reside?—Answer. At Saint Joseph, Mo.

Q. Were you present at the last Senatorial contest held here at Topeka?—A. I was here during the contest, a portion of it.

Q. Do you know one D. A. Rudolph, residing here at Topeka?—A. I know Mr. Rudolph by letter.

Q. Did you see him or have any conversation with him at Topeka concerning the Senatorial canvass last winter?—A. Possibly I had. I do not remember that I had, but possibly I had.

Q. Did you state in any conversation to him that you had any money here for the purpose of being used in the Senatorial contest?—A. I did not.

Q. Did you state to him at any time during the Senatorial contest that you in that contest represented the Kansas City, Saint Joseph, and Council Bluffs Railroad Company, and that you had come here to represent them with money to secure Mr. Ingalls's election?—A. I did not.

Q. Now I ask you as a matter of fact whether you brought any money here at all with you for the purpose of being used in that Senatorial contest?—A. Not for the purpose of being used in the Senatorial contest. I brought some money with me, but a very small amount.

Q. About how much?—A. Probably \$25, not over \$30, I know.

Q. Is it not a matter of fact that you procured a loan here from a friend to pay your expenses while here?—A. I did, indeed. I can say in regard to Mr. Rudolph that he presented a letter of introduction to me, I think probably two years ago or over, at my office in Saint Joseph, as I am an officer of a railroad company, either asking for a place through Mr. Hill, whom I know very well, the division superintendent of the Pan Handle road. I think that was the first time I ever met Mr. Rudolph. I said to him that I had not at that time any vacancy in any shape or form, but would be very glad to help him with Mr. Hill's letter with any of the other roads. I think I wrote a letter at that time, and gave it to him, to the superintendent, probably, or somebody directly connected with the Missouri Pacific road, asking if they had anything that Mr. Rudolph could do on their line. I think that was the first time I ever met Mr. Rudolph. I have seen him once or twice since, I think, in my visits to Topeka.

Q. Is he an intimate and confidential friend of yours?—A. Not by any means. I do not know Mr. Rudolph sufficiently to make him an intimate or confidential friend.

Q. Did you in any conversation here at Topeka during that Senatorial contest say to him that in that fight, referring to the Senatorial fight, you represented the Kansas City, Saint Joseph and Council Bluffs Railroad Company?—A. I did not.

Q. Did you in any conversation here with him tell him you were for Ingalls, and that you were going to make it?—A. I think I may have said I was for Ingalls, and that I thought we would make it.

Q. Did you make any remark to him, "We have got to make it; we have got him sure"?—A. No, sir; I do not think I made a remark of that kind.

Q. Did he ask you how much money they had, referring to Ingalls's friends, and did you reply "\$10,000"?—A. No, sir; I did not. I never made any such statement to him or anybody else.

Q. Did he ever ask you how you expected to get it back, referring to the \$10,000, and to which you replied, "Well, we will get it back"?—A. No, sir.

Q. Was the subject of money to be used in that Senatorial contest any matter of conversation between you and Rudolph?—A. Not at all.

Q. What day did you leave here?—A. I left here on the afternoon before the nomination of Mr. Horton; I think it was Thursday afternoon. I had a business railroad meeting at Kansas City and left on the afternoon train.

Q. Then, if Mr. White or any other witness testifies that you were here in a room in the Tefft House on Friday morning, is it true or false?—A. It is unquestionably false, beyond any question of doubt. I went to Kansas City on the afternoon train and remained there until the following evening. I received messages that night, or rather early next morning, through Mr. Nettleton's office, general manager of those roads, that Mr. Horton had been nominated during the night, and I received the message of Mr. Ingalls's election through Mr. Nettleton's office from Mr. Strong, the general manager of the Atchison, Topeka and Santa Fé Railroad.

Q. Then you were not in the city of Topeka after Mr. Horton had been nominated by the anti-Ingalls caucus?—A. I was not.

Cross-examined by Mr. WEBB:

Q. Is your father living?—A. No, sir; he is not.

Q. Your mother?—A. No, sir.

Q. Did they not reside in the State of Indiana?—A. They did.

Q. What county?—A. They resided, in their late years, in Logansport, Cass County, Indiana.

Q. Did you not know that the Rudolphs resided in the same county?—A. I only know that from a letter from Mr. Hill, the superintendent of that division of the road. Possibly Mr. Rudolph may have met me there, but I do not remember ever having met him at Logansport. I have only been there as a visitor to my parents for a day at a time; but when my father was ill I was there, probably, ten or twelve days during his sickness, but at no other time, excepting an occasional visit.

Q. You made those occasional visits for years past?—A. No, sir; because they did not live there for years past. Their home was in Ohio; Greenville, Ohio, was the home of my parents for a number of years until within the last few years, and I visited them, probably, once or twice a year during their residence at Logansport.

Q. Do you not remember meeting any person by the name of Rudolph when you went back to see your parents?—A. I do not, till Mr. Rudolph presented his letter of introduction to me.

Q. You say you were here at Topeka. How many days were you here; do you remember?—A. I do not remember exactly the number of days; probably a week.

Q. While here you were the friend of Senator Ingalls?—A. Yes.

Q. Urging his election ?—A. Yes.

Q. Advocating it ?—A. Yes, sir.

Q. How many members of the legislature were you personally acquainted with ?—A. I cannot recount. I tried to make them all my friends.

Q. Can you name any of them now that are your acquaintances and friends ?—A. I do not know that I can name any number of them.

Q. How many of them did you know before you came here ?—A. Very few.

Q. Did you know personally any of the Doniphan County members ?—A. I think I had met them.

Q. Who ?—A. I do not remember the names of any of those members now.

Q. Did you know any of the Atchison County members ?—A. If you will name them to me I will tell you whether I knew them personally or not.

Q. Can you recall yourself any member of the legislature with whom you had a personal acquaintance before you came to Topeka last winter ?—A. I do not know that I can.

Q. Then, if you tried to make all the members of the legislature your acquaintances, what was the object and purpose of that ?—A. Simply because I desired Mr. Ingalls's election.

Q. You came here, then, to make yourself acquainted with members of the legislature to advance the interests of Senator Ingalls ?—A. I did, unquestionably.

Q. That was your business here ?—A. Yes, sir.

Q. You were frequently, while here, around Senator Ingalls's room ?—A. I was.

Q. And acquainted with and associating with Mr. Merritt ?—A. Yes, sir.

Q. Mr. Wilson ?—A. Yes, sir.

Q. Capt. George R. Peck ?—A. Yes, sir.

Q. Mr. J. S. Danford ?—A. Yes, sir ; I met Mr. Danford.

Q. Mr. Byron Roberts ?—A. Yes, sir.

Q. Calvin Hood, of Emporia ; did you make this acquaintance here ?—A. I think I met Mr. Hood. I do not know that I made a special acquaintance with him.

Q. Mr. David Auld, of Atchison ?—A. I do not remember that I met him. I think I know Mr. Auld by sight, but I do not remember having met him here.

Q. If you came here for the purpose of advancing the interests of Senator Ingalls, getting acquainted with the members of the legislature, and were several days here for that purpose and in that business, tell us, if you can, the names of some of the members of the legislature whose acquaintance you made ?—A. I cannot call the members of the legislature. If you will give me your house roll, I will tell you whom I knew and whom I met at that time, but I cannot call their names now. I am unfortunately situated so that I might see many people that I cannot call the names of at all.

Q. I cannot give them to you. Can you state the influences you used, what arguments you employed ?—A. Simply that of being a personal friend of Senator Ingalls. I desired that he should be re-elected, and came here for the purpose of assisting him all I could personally. I came here not through any corporation or any question of that kind. I was sent here by no railroad company and by no parties. I told Senator Ingalls that I would come over here and do all I could for him in

his canvass. I would spend two or three days here. I came for that purpose.

Q. Then, as a matter of fact, you were a stranger to the members of the legislature of Kansas?—A. A great many of the members of the legislature of Kansas knew me. I had been connected with railroads so long in the West and especially urging Kansas immigration, that a great many of them knew who I was.

Q. Knew you by name and by reputation?—A. Yes, sir.

Q. You reside in the State of Missouri?—A. I live in Missouri.

Q. Did you ever reside in the State of Kansas?—A. No, sir.

Q. The fact is you are connected with some railroad?—A. I am.

Q. What railroad?—A. The Kansas City, Saint Joseph and Council Bluffs Railroad.

Q. What is your position on that road?—A. I am general ticket and passenger agent of that road.

Q. And have been for many years?—A. Yes, sir. Before I went there I was connected with the lines running into Kansas City; the Hannibal and Saint Joseph line is one, and I presume I have done as much and spent as much railroad money to advertise Kansas as almost any man of my age in Kansas.

The committee took a recess until half past 2 o'clock p. m., and resumed its session at that hour.

Mr. EVEREST presented a telegram received by him from David Auld, president of the First National Bank of Atchison, representing the great inconvenience to that bank of producing its books as required by a *subpœna duces tecum* issued by the committee, but offering to let the books be examined at the bank.

Similar suggestions having been made as to other banks on which a similar subpœna had been served, the following proposition was finally agreed upon by counsel of both sides, at the suggestion of the committee, viz:

The counsel for the memorialists may present themselves at the bank with an expert and ask to examine the books of the bank in reference to such accounts and other matters as are covered by the *subpœna duces tecum*, and then if they want an abstract of the accounts and matters so covered by the subpœna, they may take such abstract; and with reference to other matters they may take the testimony of the bank officers, in the presence of counsel for the respondent, by examination and cross-examination, and forward these accounts (or a certified transcript from the books of the bank), together with the testimony elicited from the bank officers, to the committee, at Washington, to become a part of the evidence in the case; the testimony to be taken before some one authorized to take testimony agreed upon by the respective sides.

This proposition is to apply to the First National Bank of Atchison, the Osage City Savings Bank, and the National Bank of Emporia.

JOHN M. PRICE, a witness called by the respondent, recalled for further examination.

By Mr. EVEREST:

Question. You heard the testimony of W. W. Guthrie, given this forenoon, in reference to a conversation with you concerning a certain letter claimed to have been shown by you to him some time after your election as a member of the legislature from the fourth district, Atchison County?—Answer. Yes, sir; I heard his testimony.

Q. Is that the letter which was shown Mr. Guthrie at that time? (Exhibiting a letter.)

A. (Examining.) Yes, sir; that is the letter.

Q. State to the committee the circumstances connected with that so-called conference with Mr. Guthrie, what it resulted in, and what the subject of your conversation was at that time.—A. Mr. Ingalls had tendered me the post-office, and it was a question between him and myself as to whether I should accept it then and resign my position in the legislature, or whether I should serve my term in the legislature, and I told Mr. Ingalls that before I gave him any answer on that point I desired to consult Mr. Guthrie and Judge Horton and other of my friends upon that question. I did consult them, and they and others advised me not to accept the post-office and resign my position in the legislature. I thereupon wrote Mr. Ingalls on the subject, and I submitted the letter to Mr. Guthrie before I sent it, and this is the letter.

Q. In that conversation was anything suggested or talked about as to the probability or improbability of your supporting Senator Ingalls for United States Senator?—A. No, sir.

Q. Was Mr. Guthrie a member of the convention which nominated you for representative?—A. Yes, sir.

Q. Was he present when the resolution was introduced requiring the candidates who were placed before the convention to support Mr. Ingalls first, last, and all the time for United States Senator?—A. He was present when both resolutions were presented and adopted. I do not remember whether the resolutions said "first, last, and all the time" or not.

Q. Did he speak on that occasion?—A. Yes, sir.

Q. Did he say anything against the resolution?—A. No, sir.

Q. Did he not say that it was best for the harmony and principles of the party of which you were both members, to adopt that resolution on that occasion?—A. I cannot say that he used that language, but he made no objection whatever to the resolution, and counseled harmony, and seemed to be very much gratified at the action of the convention.

Q. Did you ever give said Guthrie by statement or inference any reason or any occasion to believe that you were not going to obey the instructions of that convention?—A. No, sir.

Q. Will you read the letter referred to by Mr. Guthrie in his evidence?—A. It is:

ATCHISON, KANSAS, January 4, 1879.

Hon. J. J. INGALLS,

United States Senator, Washington, D. C. :

MY DEAR SIR: When I saw you on New Year's day I expected to see you next day, as you said you would be down town and would call at my office—although you told me you would leave for Washington on Thursday evening. Judge Horton (who saw you after I did) told me Thursday morning that you had decided not to leave until Friday evening. I therefore started up to your house Friday morning, and on meeting your hired man was surprised to learn that you had left the evening before.

As I told you I would, I again had a talk with Judge Horton, Guthrie, and several others of my political and personal friends, and they are still very decided in saying that I must not accept the appointment of postmaster at Atchison and resign my seat in the legislature, for reasons which I have already explained to you.

As much as I would like to have the emoluments of the office, I cannot disregard the wishes and judgment of those to whom I am indebted for my present position. I beg to assure you that I fully recognize and appreciate your friendship in having my name sent to the Senate, and if it is necessary for that body to take any immediate or definite action upon the nomination, and as you say they cannot confirm without my formal application for the office, there seems to be no alternative, under the circumstances, but for you to have my name withdrawn, which I now request you to do. I desire to relieve you from all embarrassment in this matter, and I will cheerfully acquiesce in and indorse the appointment of any one you may choose to designate.

This course on my part will also enable me to demonstrate to you and your friends that I can and will heartily carry out my instructions in the legislature on the Senatorial question.

Hoping to see you at Topeka in due season, I am,
Very truly, your friend,

JOHN M. PRICE.

That is the letter I wrote to Mr. Ingalls on the 4th of January, 1879; showed it and read it to Mr. Guthrie before I mailed it, and also read it to my son-in-law, Mr. Vandegrift, before mailing it.

Q. When you there assured him that you would carry out the instructions on the Senatorial question, what instructions did you refer to?—
A. I referred to the resolutions adopted by the nominating convention instructing me to support Mr. Ingalls.

Q. You knew the sentiments, did you not, of Atchison County, in which you lived, in reference to their choice for United States Senator? Did you receive any telegram or other communication expressing the will and wishes of the people of the city of Atchison or Atchison County in reference to your vote for United States Senator?—A. I did.

Q. Is this the dispatch (exhibiting)?—A. That is one of them. I received two.

Q. Be kind enough to read it.—A. I will.

(Telegram dated Atchison, Kans., 31, 1879. Received at Topeka, Kans., 31, 12.05 p. m.)

To JOHN M. PRICE,

House Representatives:

We earnestly and urgently request you to stand firm for Ingalls.

A. B. Symms.	E. Helber.	Wm. Friend.	W. C. McPike.
R. A. Park.	A. Baumgard.	Ben. Wallack.	Geo. T. Cholliss.
A. J. North.	S. O. Bereman.	S. A. Frasier.	A. H. Laupher.
J. A. Kenney.	R. H. Hawthorn.	J. T. Coplan.	Chas. N. Rigmier.
H. M. Glavey.	C. H. Krebs.	W. J. Cholliss.	J. B. Silliman.
J. B. Kurth.	D. E. Merrian.	S. Hesselberger.	J. R. Bliss.
R. M. Manley.	J. A. Loper.	L. Friend.	A. W. Simpson.
N. Stetter.	L. L. Todd.	Dr. G. H. F. Bohnsen.	A. Welte.

These names were procured in thirty minutes.

Q. When and where did that telegram reach you?—A. It reached me on the day of election in the house of representatives after the joint convention had met.

Q. And before the final vote?—A. Yes, sir; before the balloting commenced.

Q. Do you recognize among those names the names of the principal business men of the city of Atchison, prominent in the political party to which you belong?—A. Nearly all of them are prominent business men in the city of Atchison; most of them are prominent in the party to which I belong, and several of them were in the convention that nominated me for representative, and several of them were friends who supported me in that convention.

Q. You say that you were conversant with the wishes of that county in regard to the choice of their people for United States Senator and in regard to the instructions which were given to the members of the legislature from that county. I ask you how otherwise you received them?—
A. There was a mass-meeting held in the city of Atchison on the night before the election, at which resolutions were adopted and a committee appointed to come to Topeka and bring those resolutions and present them to the Atchison County delegation.

Q. Were you informed of the actions of that meeting before the final ballot for United States Senator?—A. Yes, sir.

Q. Have you a copy of the minutes of that meeting?—A. I have a printed copy of the proceedings of the mass meeting.

Mr. EVEREST. We ask that these resolutions as written be inserted in the minutes of the proceedings as the resolutions adopted at that mass-meeting held the night before the final ballot, in Atchison, and communicated to Mr. Price.

Mr. WEBB. We have nothing to say about their being inserted.

The CHAIRMAN. Mr. Price, had those resolutions any connection with your vote? Did they influence your vote?

The WITNESS. They did not. I intended to vote for Mr. Ingalls anyway.

The CHAIRMAN. Then I do not see the use of incorporating them. He speaks of the fact that there was a meeting that passed resolutions, and the witness has testified before how he voted.

(By Mr. EVEREST.) Those resolutions requested the members from Atchison County to support Mr. Ingalls first, last, and all the time?—A. I do not know that that was the language, but that was the purport of them.

Q. Do you know S. C. Pomeroy?—A. Yes, sir.

Q. Did you have any conversation with him as to his actions connected with that Senatorial contest?—A. Senator Pomeroy and myself had a good many conversations during the canvass and before.

Q. How much money did S. C. Pomeroy tell you he had furnished Mr. Horton to carry on his Senatorial contest, if any?—A. Senator Pomeroy told me a few days before the election that he had furnished Judge Horton between five and six thousand dollars during the canvass.

Q. Did you ever in any interview with Sidney Clarke and W. W. Guthrie have anything to say by which it could be inferred that you were opposed to Mr. Ingalls for United States Senator?—A. I might have said something to them by which they inferred that I proposed to.

Q. State when and where you ever saw those gentlemen together in Topeka.—A. I did.

Q. What was the purpose of that conference?—A. The first conference that I had when I came to Topeka was to confer with Mr. Clarke in regard to the speakership, as I testified in my first examination. Mr. Guthrie was not present. I did not then recollect whether he was in the city or not, but since hearing him testify I recollect that he was here at the same time. While here, Mr. Clarke and myself (and I do not know but Mr. Guthrie was present; I think he was) had several conversations here in Topeka; but my conference with Mr. Clarke was in reference to the speakership and had nothing whatever to do with the Senatorial contest.

Q. Do you know Luther Dickerson?—A. Yes, sir.

Q. Since you gave your testimony here he has been on the stand stating that he had a conversation with you in which you admitted that you had heretofore told him you were going to oppose Ingalls for United States Senator. Is that true or false?—A. That is not true. I was asked here whether I knew Luther Dickerson and if I had not told him and Mr. Greenlee that I did not intend to support Mr. Ingalls. When I returned to Atchison I met Mr. Dickerson on the street and told him what I had been asked and what I had stated, and asked if he recollected my ever having said to him that I would not support Mr. Ingalls. He then made a statement of what he understood me to say on one occasion. I told him that he put it pretty strong.

Q. That was the substance of that talk ?—A. Yes, sir.

Q. Did you ever have any talk with Senator Ingalls during that Senatorial contest, with reference to your receiving the appointment of post-master in connection with your vote for him for Senator ?—A. No, sir; and I cannot call to mind that the question of the post-office was mentioned during the Senatorial contest by Mr. Ingalls or myself.

Q. I believe you stated that you were presiding officer of the Ingalls caucuses and took an active part all the way through ?—A. I was chair man of all the Ingalls caucusses held in the city of Topeka during the canvass.

Cross-examined by Mr. WEBB :

Q. Your attention was called to some telegrams that you received, and you produced and read one. You stated that you received another telegram ?—A. Yes, sir; I received another telegram about the same time, on the same day at least.

Q. From whom ?—A. From Lewis Kipper.

Q. Before you received that telegram, had you yourself sent a dispatch to Kipper ?—A. Yes, sir.

Q. What was the purport of that dispatch ? What did you say to him in your dispatch to which his is a response ?—A. I cannot repeat it exactly because I retained no copy, but the substance of it was this : "Horton has been nominated. The contest is between Ingalls and Horton. My vote may decide the result. How shall I vote ?"

Q. I guess that is a literal copy ?—A. That was the substance anyhow.

Q. If you were nominated as an Ingalls man, bound by the instructions to vote for Ingalls, never informed Guthrie or anybody else or gave them to understand you would vote against Ingalls, if those resolutions which you say were adopted on Thursday night and upon which a large delegation came up here to urge Ingalls's election, and if you had intended to vote for Ingalls all the time, why was it that on Friday morning after Horton was nominated you telegraphed Mr. Kipper that Horton was nominated ; that the contest was between Ingalls and Horton, and asking him how you should vote ?—A. I will tell you. It was claimed by Mr. Guthrie and other Atchison men that Horton having been nominated from Atchison and from my own district, my constituents would be as well satisfied with my vote if Horton was elected as if Mr. Ingalls was, and I desired to ascertain whether that was true or not. I did not know at that time about those resolutions having been adopted at a mass meeting the night before, and I had not received this dispatch signed by the thirty two I have read here. It was early in the morning that I sent that dispatch.

Q. Did the fact that Judge Horton was nominated, the fact that he resided in your own city, the fact that he had many friends in Atchison, and any other like facts added to these, seem sufficient to exonerate you from your instructions and your obligation to obey the instructions which had been given you when you were nominated ?—A. Well, sir, Judge Horton and myself were particular personal friends. He had conferred upon me a great many favors, had indorsed my paper for money when I needed money, and had done me other favors, and I was particularly anxious to vote for him after he had received the nomination and I would have been glad to have had an excuse to have done so.

Q. Notwithstanding the instructions, notwithstanding your obligation to vote for Ingalls, you still would have been glad not to disregard them but to get around them ?—A. Personally I desired to vote for Judge

Horton, but at no time did I make up my mind that I would do so, because I felt in honor bound to obey those instructions.

Q. How many names are there on that longer dispatch?—A. Thirty-two.

Q. How many of them are Democrats and how many Republicans?—A. I never examined to see that. (Examining.) I do not recognize more than two or three Democrats.

Q. How many of them reside in your district?—A. I believe 27 or 28 out of the 32.

Q. How many votes are polled in your district?—A. I think about 700, more or less.

Q. How many in the whole city of Atchison?—A. About 1,500 or 1,600 usually; more than that now, but about that number at that time. The city has increased very much since then.

Q. Were those 30 names there sufficient authority as expressing the opinion of the whole city of Atchison?—A. No; but they are leading business men and prominent in the Republican party.

Q. Are there not more than twice that number of other leading business prominent men in the city of Atchison?—A. Yes, sir.

Q. You say that you had a conversation with Senator Pomeroy wherein he told you about loaning money to Horton; when was it?—A. I do not recollect exactly, but a few days before the Senatorial election, during the canvass.

Q. He told you that he had loaned Horton between five and six thousand dollars?—A. Yes, sir.

Q. Do you not know now as in matter of fact, or is it not of public notoriety, if you do not know it of your own personal knowledge, that Horton had not received over four or five votes in any caucus previous to Thursday night?—A. Yes, sir.

Q. Do you undertake to say that he was using money or that it was reported he was using money when he was only getting two or three votes?—A. I know nothing about it only what Senator Pomeroy told me.

Q. Where were you when Senator Pomeroy made that statement to you?—A. I was in his room.

Q. Now in regard to Luther Dickerson. In the conversation that you had with Mr. Dickerson, after you had been upon the stand and before he came here, when he was telling you what he understood you to say, did you not say to him that you did not want him in testifying before the committee to put it quite as strong as you had told it to him?—A. No; I said that in repeating it to me he had put it too strong. I said nothing about his testifying before the committee. I did not know he was going to testify before the committee.

Q. Do you know Cyrus Leland, jr.?—A. Yes, sir.

Q. Was he here at Topeka the morning of the election of Senator?—A. Yes, sir.

Q. Do you not remember saying to Mr. Leland, after receiving the Kipper dispatch, that "now I am a free man and at liberty to vote for whom I please"?—A. No, sir; I never said anything of the kind to Mr. Leland or anybody else.

Q. Did you say to him that you were at liberty to vote for Mr. Horton?—A. No, sir.

Q. In that letter which you read here, as having been written by you on the 4th of January to Senator Ingalls, you said to him, in substance, that you could not accept the post office and resign your seat in the

house of representatives. You said that after having consulted Judge Horton, Mr. Guthrie, and other friends?—A. Yes, sir.

Q. Was receiving the post-office at that time contingent upon your resignation as a member?—A. No, sir.

Q. Was there any discussion upon that subject by your people at Atchison?—A. No, sir; not about its being contingent on my resigning.

Q. Was there any talk between yourself and Senator Ingalls in regard to your resigning?—A. Yes, sir; but not as a condition precedent to my receiving the post-office. That had nothing to do with it. We discussed the question whether it would be proper for me to resign and accept the post-office then, or wait until after the legislature adjourned.

Q. What did Mr. Ingalls say he wished in that regard—that he wished you to resign or wished you to hold on?—A. His first impression was that I ought to resign and accept the post-office then; but he said he was not sure whether that would be best or not. I told him I would confer with Mr. Guthrie and Judge Horton and others, and advise him of my determination in regard to the matter, which I did in that letter.

Q. You say in that letter that you would be glad to have the emoluments of the post-office?—A. Yes, sir.

Q. I suppose you can speak from experience now, and make a comparison between the emoluments of the post-office for fifty days and the emoluments of a representative in the Kansas legislature for fifty days. Would it not have been to your advantage pecuniarily to have resigned your seat in the legislature and accepted the post-office?—A. Yes, sir; I would have got the emoluments from the time I took the office until the first of April, when I did actually take it. I would have gotten that much more out of the office.

Q. Would it not have been very much to your advantage to have taken it?—A. Pecuniarily I would have received that much more money than by waiting until the first of April and then taking the office.

Q. Why did you not then resign your seat in the house of representatives and accept that office, and thus avoid any complication between yourself and Mr. Ingalls, yourself and Mr. Horton, or yourself and anybody else?—A. Because, as I said before, Mr. Guthrie, as he testified this forenoon, advised me not to do it; that I could not afford to do it; that it would look too much like a sell-out, was the language he used; that I had been elected to the legislature and it was my duty to go there and serve my term out; I owed it to my constituents and my friends. That was the position he took, and so did Judge Horton. I agreed with them, and for that reason I declined to accept the post-office and resign my position in the legislature.

Q. You knew at that time that Judge Horton was opposed to Senator Ingalls's re-election, did you not?—A. He never said so. I never regarded him as a friend of Mr. Ingalls, but he never told me that he was opposed to him.

Q. Did you not know at that time that Mr. Guthrie was opposed to Senator Ingalls' re-election?—A. I thought he was, the way he talked.

Q. And you regarded, though you did not know, Judge Horton as being opposed to Senator Ingalls?—A. Yes; I did not think he was friendly to his re-election, though Judge Horton never said anything to that effect. It was simply an inference of mine.

Q. What local interest or other interest could two men like Judge Horton and General Guthrie, opposed to the re-election of Senator Ingalls, urge upon you to retain your seat in the legislature rather than to resign, if you were going to support Senator Ingalls?—A. I suppose it was a personal matter to me. They said I could not afford to resign

and accept the position of postmaster. There was not any local interest connected with it whatever. I will state right in this connection that Judge Horton told me that I ought to have the post-office, and told me that he had written to Mr. Ingalls urging him to appoint me. This was before the appointment was made. Judge Horton himself was favorable to me for postmaster, as he stated, and said he had written to Ingalls to that effect.

Q. Do you know anything about a certain Greenback pledge that Mr. Ingalls made during the Senatorial contest?—A. I do not. I know nothing about that. I saw a statement of it in the papers. It was alleged that Sam. Wood had gotten up one. I heard about it. I knew nothing about it.

Q. Did you not hear of it at or about the time it was done?—A. Possibly I did. It was published probably in the city papers here.

Q. Did you not yourself go and have a copy of that pledge made, and have it published in the Kansas City Times, in order to injure Mr. Ingalls?—A. Never. I never had any agency, directly or indirectly, with its circulation, publication, or otherwise. It is a matter that I did not concern myself about at all, directly or indirectly.

Q. Did you not, some two days before the election, about midnight, call upon Samuel N. Wood, and want to know from him in regard to the truth of Ingalls's Greenback pledge?—A. I might have asked Mr. Wood. I do not remember anything about it, but I might have asked Mr. Wood if such a thing had been signed by Mr. Ingalls. I do not remember even that; but I might have met Mr. Wood and asked him the question.

Q. Do you not remember that you met him, and he answered that Blanchard, of Labette, had it, and could give you a copy?—A. I have no recollection of it. If Mr. Wood should state so, I should be inclined to believe it.

Q. Did you not tell Wood that if you could get a copy of it you could "bust" Ingalls with it?—A. No, sir.

Q. Did he not tell you that he thought you were an Ingalls man, and did you not say, "Not by a damned sight"?—A. No, sir; I did not say anything of the kind.

Q. Do you know J. B. Kennedy, one of the members of the legislature from Doniphan County?—A. I do.

Q. Did you see him in your office, in the city of Atchison, about two weeks before the legislature met?—A. He was in my office to assure me that he was going to vote for me for Speaker. I do not recollect just the time, but it was before the legislature met.

Q. Did you tell him at that time that Mr. Ingalls had offered you the post-office, and that you had written to him refusing it?—A. I might have done so; I do not recollect.

Q. Did you not tell him in that conversation that Mr. Ingalls could not make any pledge or any promise you would regard as true or binding?—A. No, sir.

JOHN B. KENNEDY, a witness called by the memorialists, recalled for further examination.

By Mr. WEBB:

Question. Did you see Mr. Price in Atchison about a couple of weeks before the legislature convened?—Answer. I did. I met Mr. Price after having a conversation with Mr. Guthrie at Troy in regard to his candidacy for speaker. I met Mr. Guthrie in Troy, and he requested me to vote

for Mr. Price for speaker. I told him I would be very glad to do it, but our people there were opposed to the re election of Mr. Ingalls, and that we were a little afraid that by strengthening Mr. Price, or if he should be elected speaker, possibly people might think that it was building Mr. Ingalls's interests up. Mr. Guthrie gave me to understand that there was no danger of that, that Mr. Price was all right on that question, and requested me to call on Mr. Price in Atchison, and that he would assure me in regard to the matter.

Q. Did you call on him?—A. I did. I had promised Mr. Guthrie at that time that if Mr. Price satisfied me on this question, I should vote for him for speaker; but between that time and the time I called on Mr. Price, the vacancy in the Atchison post-office occurred. It had not occurred at the time I had the conversation with Mr. Guthrie. I was in Atchison on some business and called on Mr. Price.

Q. State what occurred between you and Price at that time.—A. I detailed the conversation with Mr. Guthrie; said I would be very glad to vote for him for speaker, and I think I promised to vote for him really before I left, with the assurance, as I told him, that we were opposed to Mr. Ingalls's re-election under all circumstances; and he gave me to understand that he was just as bitterly opposed to Mr. Ingalls as we were ourselves. He said, "I have had the tender of this post-office from Mr. Ingalls, if I would resign my position in the legislature, but I have emphatically refused to do so. There is no promise that he would make to me that I would regard as binding, or would expect to be fulfilled." That was just about the language he used to me.

Q. Of whom was Mr. Price speaking when he said that?—A. Mr. Ingalls.

Cross-examined by Mr. EVEREST:

Q. You promised to support him for speaker?—A. Yes, sir.

Q. And did not do it?—A. I did not; I thought he lacked backbone when he got down there. I thought he was likely to be on both sides of the Senatorial question, and I voted for Sidney Clarke.

Q. So you got on both sides of the speakership?—A. Only on one side when I voted.

WIRT W. WALTON, a witness called by the memorialists, recalled for further examination.

By Mr. WEBB:

Question. You have already testified that you were the chief clerk of the house of representatives of the Kansas legislature at the last session?—Answer. Yes, sir.

Q. State if you can tell from the record or journal of the house upon what day the house of representatives ordered the investigation into the charges of bribery and corruption regarding the election of United States Senator.—A. On the 6th day of February.

Q. The resolution was introduced and adopted on that day?—A. I believe it was.

Q. That resolution, I believe, provided for the appointment of a committee? State whether it did.—A. It did.

Q. Did the speaker appoint the committee under the resolution? and, if so, on what day did he make the appointment?—A. I do not think I can state the day he made the appointment, but I think it was the 7th day of February that the committee was appointed.

Q. Can you give the names of the committee as appointed by the speaker of the house?—A. I can.

Q. Name them.—A. Mr. Callen, Mr. Hartsborne, Mr. Keller, Mr. Randolph, Mr. Hall.

Q. Who was the chairman as named by the speaker?—A. Mr. Randolph.

Q. Can you state when they made their report or reports, or when they were filed?—A. The 6th or 7th day of March.

Q. How many reports were filed by members of that committee?—A. Three, I think.

Q. One report signed by Mr. Randolph, chairman?—A. Yes, sir.

Q. One report signed by John Hall?—A. Yes, sir.

Q. And one signed by A. W. Callen, J. H. Keller and R. D. Hartsborne?—A. Yes, sir.

Q. Upon what day did the legislature adjourn *sine die*?—A. The 12th day of March.

Q. State whether that committee reported the evidence taken by it to the house.—A. It did.

Q. Were the reports and testimony taken by the committee printed by order of the house?—A. They were.

Q. Before or after the adjournment of the legislature?—A. Reported to the house during its session, ordered printed during the session, and printed after the session.

Q. Was the testimony taken by that committee ever read at length in the house of representatives?—A. I think the major part of it was. My recollection is that I read it myself, part of it.

Q. You read all that related to Hossack's case; I do not have reference to that; but I ask you now, as an entirety, was the entire testimony taken and reported by that committee to the house read at length to the house?—A. It was not.

Q. Or any considerable portion of it?—A. Relatively I should say a fifth of it.

Q. Just about one-fifth of the entire testimony was read?—A. I should think so, from my recollection.

Q. State the date on which the house voted upon adopting the several reports of the committee.—A. I think I could not give the exact days, running through two or three days. The matter was made a special order and passed over from day to day, and I could not from memory give it. I did not bring all my journal with me.

Q. You say the reports were made on the 7th of March, and the legislature adjourned the 12th of March?—A. Yes, sir; and the last proceedings, as far as this testimony was concerned, or the investigation, were on the 10th. So it must have been between the 7th and the 10th.

Q. Have you the journal of the house, or any portion of it, with you?—A. I have part of it.

Q. Have you that portion of the journal which shows that a resolution was introduced for the expulsion of Mr. Raybell and Mr. Anderson?—A. The Riggs resolution? I have.

Q. Call it the Riggs resolution?—A. That was offered on the 10th day of March.

Q. Have you the journal containing a copy of the resolution as introduced by Mr. Riggs?—A. I have.

Q. I wish you would read it at this time.—A. I will.

Mr. RIGGS arose to a question of privilege and offered the following resolution :

Whereas the testimony taken before the investigating committee of this house, and now before the house, discloses the fact that T. J. Raybell, member of this house from the 84th representative district, and H. T. Anderson, member of this house from the 113th district, did, during the late Senatorial election, receive and retain money under implied promise to cast their votes for certain Senatorial candidates: therefore,

Resolved, That said T. J. Raybell and H. T. Anderson are unworthy to occupy seats in this house, and they are hereby expelled from this house.

Q. Have you the vote of the house of representatives taken and given upon the adoption of that resolution?—A. I have.

Mr. Smith, of Marshall, moved to indefinitely postpone the resolution.

Q. That was W. W. Smith?—A. Yes, sir; "and upon the motion demanded the previous question, which was ordered."

Q. The motion was then to indefinitely postpone?—A. Yes, sir.

Q. And not directly on the adoption of the resolution? I should like to have you read the entire vote on the resolution.—A. The yeas on the motion were 49, and the nays 44.

Cross-examined by Mr. EVEREST:

Q. Read the resolution that was passed in the house for this investigation.—A. I will:

IN THE HOUSE OF REPRESENTATIVES,
Thursday, February 6, 1879.

Among other proceedings the following were had:

QUESTION OF PRIVILEGE.

Mr. CLAPP arose to a question of privilege, and offered the following resolution and moved its adoption:

Whereas it is charged that during the progress of the late Senatorial election acts of bribery and corruption were resorted to, to influence the votes of members of this house for United States Senator; and

Whereas it is also charged that offers were made to pay large sums of money for votes for Senator, and that in some cases these corrupt offers were made by members of this house; and

Whereas the honor of the State, the integrity of this house, and the character of the Senate of the United States, demand that a full and impartial investigation should be had of the facts and circumstances connected with the aforesaid charges: therefore,

Resolved, That a committee of five members be appointed, whose duty it shall be to investigate all charges of bribery and corruption connected with the late Senatorial election, and all charges of corruption in office made against the recently-elected Senator, to the end that the innocent may be vindicated and all acts of bribery punished; and said committee shall have power to employ a clerk, to administer oaths, and to send for persons and papers.

Mr. SEATON offered the following resolution as a substitute.

Q. I am asking you for the one that passed, literally, as you have read it.—A. Yes, sir.

Q. Do you know who Clapp favored for the election of United States Senator?—A. I do not.

Q. Do you know who appointed that committee?—A. Yes, sir.

Q. Who was that?—A. The speaker of the house.

Q. What is his name?—A. Sidney Clarke.

Q. Who did he favor for United States Senator?—A. I do not know.

Q. Did he favor Mr. Ingalls?—A. I do not know.

Q. Who were that committee appointed by Sidney Clarke?—A. Mr. Randolph, Mr. Callen, Mr. Hartshorne, Mr. Keller, and Mr. Hall.

Q. Whom did Mr. Randolph favor for United States Senator?—A. I should like to ask the chairman if I am to go by my journal?

Q. I ask your knowledge of it.

The CHAIRMAN. Counsel asks for your knowledge.

The WITNESS. My recollection is that he voted for—well, I do not know.

Q. (By Mr. EVEREST.) Whom did Mr. Callen vote for for United States Senator?—A. I do not know that, outside of the record.

Q. Whom did Mr. Hartshorne ?—A. I do not know.

Q. Do you not know, of your own knowledge, whether Sidney Clark was favorable to the re-election of Senator Ingalls or not ?—A. Outside of my record, I do not think he was favorable to that.

Q. And do you not know that the gentleman who introduced that resolution was unfavorable to the re-election of Mr. Ingalls ?—A. My impression is that he was not in favor of Mr. Ingalls.

Q. Do you not know that Mr. Randolph was not in favor of the re-election of Mr. Ingalls ?—A. I do not know as to Mr. Randolph.

Q. Mr. Callen ?—A. I do not know about Mr. Callen.

Q. Mr. Hartshorne ?—A. My impression is Mr. Hartshorne was favorable to Mr. Ingalls.

Q. How was it with the other two members of the committee ?—A. Mr. Hall, I think, was a Democrat.

Q. Whom did he vote for on the final ballot ?—A. I shall have to refresh my memory about that. (Examining the journal.) On the final ballot Mr. Hartshorne voted for Mr. Ingalls.

Q. I was asking you about Mr. Hall ; but I will ask you this question : Is it not a fact that you know, by your records or personal knowledge, that the speaker of the house who appointed that committee, Mr. Clapp, who introduced that resolution, and three of the five members of that committee, were unfavorable to the election of Mr. Ingalls and known to be ?—A. At the time of their appointment ?

Q. Yes, sir.—A. My impression is that they were not favorable to Mr. Ingalls.

Q. By whom was the majority report signed exonerating Mr. Ingalls ? Use your record if your memory is poor.—A. Mr. Callen, Mr. Hartshorne, and Mr. Keller, I think.

Q. Mr. Randolph filed a separate report ?—A. Yes, sir.

Q. What is the substance of his report ?—A. My recollection is that he found nothing criminating any of the Senatorial candidates.

The CHAIRMAN. I suggest that all this is on file with the committee.

Q. (By Mr. EVEREST.) I will ask you, then, if you do not know that Mr. Hall is the only one that filed any unfavorable report to Mr. Ingalls ?—A. My recollection is that Mr. Hall's report was rather adverse to Senator Ingalls. I think it was the only one that was so.

Q. Did not Mr. Riggs read that evidence before the house ?—A. He did not.

Q. Did he read any portion of it ?—A. I cannot say.

Q. On whose motion was the reading of it dispensed with ?—A. That is something I cannot remember.

Q. Mr. Randolph, the chairman of that committee, has since been appointed supreme court reporter in place of Judge Webb, has he not ?—A. He has been appointed, but not in place of Judge Webb.

Q. Is it not a fact that before that evidence was printed and placed before the house it was obtained and published in full in the Kansas City Times and distributed to the members of the legislature, the portions of it that were unfavorable to Mr. Ingalls and his friends ?—A. I think a part of the testimony, purporting to be the testimony, did appear in the Kansas City Times, probably the testimony.

Re-examined by Mr. WEBB :

Q. You say that Mr. Callen, Mr. Hartshorne, and Mr. Keller signed a majority report, which counsel says was a report exonerating Mr. Ingalls. I wish you would state whether subsequently to the submission of that report Mr. Callen himself introduced a resolution censuring some members of the legislature.—A. I did.

Q. Have you the record of that resolution ?—A. I have.

Q. Produce it ; state when it was introduced, and read the resolution.

—A. On the 10th of March.

Mr. CALLEN arose to a question of privilege, and submitted the following resolution :

Whereas the testimony taken by the investigating committee discloses the fact that certain members of the house did, during the late Senatorial contest, take especial pains to place themselves in position to be offered money to influence their votes, and in some instances actually did receive money, though not from either of the Senatorial candidates : therefore, be it

Resolved, That the conduct of all such members is deserving of, and this house does administer upon them, its severest censure, committing to their constituencies for that ultimate condemnation which they so justly deserve.

Q. Was that resolution put upon its passage ?—A. It was.

Q. Was it adopted or lost ?—A. It was adopted.

Q. By what vote ?—A. Some gentlemen called for a division. I have a complete record.

Q. Was it adopted on a call of the yeas and nays ?—A. Part of it was ; the other by *viva voce* vote on a division of the question. There were several subsidiary motions before it was finally adopted.

Q. If you have the vote taken on the final ballot for United States Senator, I wish you would state how A. W. Callen voted ?—A. Mr. Callen voted for Albert H. Horton.

Q. That was on the last ballot that was taken ?—A. Yes, sir.

Q. How did Mr. Hartshorne vote ?—A. Mr. Hartshorne voted for John J. Ingalls.

Q. How did Mr. Keller vote ?—A. Mr. Keller voted for Senator Ingalls.

By Senator CAMERON :

Q. How did the other members of the committee vote ?—A. Mr. Hall voted for Mr. Horton ; Mr. Randolph voted for Mr. Horton on the last ballot.

Q. Then three of the committee voted for Horton on the last ballot and two for Ingalls on the last ballot ?—A. Yes, sir.

JOSEPH K. HUDSON, a witness called by the memorialists, recalled for further examination.

By Mr. WEBB :

Question. I call your attention again to Mr. Legate and ask you if you heard him designate any person, in the conversation you had with him, to whom money had been paid by Mr. Ingalls's friends for his vote ?—Answer. Mr. Legate said to me on the street, or on the way down the street from the capitol, in the conversation as to which I was examined the other day, using his own language, that the Ingalls men had got hold of this little squirt McClintick and paid him money ; and in his own language he said, " I made him pack it back."

Q. That is, Legate made McClintick pack it back ?—A. Yes.

Q. After this conversation with Mr. Legate, state whether he called upon you and made any statement or request as to what he had informed you of in the conversation.—A. In the afternoon of the day of the vote, the same day on which this conversation was held, he called me to the curb-stone in front of the Tefft House and said that he hoped I would say nothing about the conversation we had held, as there was already talk of an investigation, and he did not want to go upon the witness-stand in the matter.

No cross-examination.

By Senator CAMERON :

Q. Whom did McClintick vote for on the final ballot for Senator?—A. I do not remember, but I think it was for Mr. Horton.

SAMUEL N. WOOD, a witness called by the memorialists, recalled for further examination.

By Mr. WEBB :

Question. You have already given testimony, and I believe have stated that you were acquainted with John M. Price?—Answer. Yes, sir; I am.

Q. Had you any conversation with Mr. Price during the winter and before the election of Senator, in which he made any statement as to whether he would or would not support Senator Ingalls?—A. Yes, sir; I had a conversation with Mr. Price, I think, about two nights before the election.

Q. Whereabouts did that conversation take place?—A. That was in the hall adjoining Senator Pomeroy's room at the Tefft House. I think he had just come out of Pomeroy's room.

Q. State so much of the conversation as is necessary to cover just what he did say in that regard.—A. Mr. Price stopped me in the hall and asked me about that Greenback pledge that Ingalls had signed—where it was; and I told him that H. C. Blanchard, of Labette, had it. He wanted to know if we could not get it and publish it. I told him that Mr. Blanchard had received it with a promise not to publish it until after the election; that I did not think he could get it from Mr. Blanchard; but that a number had seen it. He said if he could get that and publish it, there were several Republicans who would not vote for Ingalls; that he could burst him. I said, "I thought you were an Ingalls man." He said, "No; not by a damned sight." Then he insisted that I should get the pledge and publish it. I told him that I was under obligations not to do it myself. We all went into Pomeroy's room, and the correspondent of the Kansas City Times was in there; and, finally, I went up and hunted up the man that had copied the pledge, a one-armed man, whose name I forget, but I think he was from Montgomery County—a Phillips man. I went down and found him in Phillips's room, and took him up to Pomeroy's room where Price was, and this Kansas City Times man.

Q. Who was that, Mr. Pangborn?—A. I do not recollect that now, either.

Q. Go on.—A. The copy was made there by this one-armed man.

Q. What was done with it?—A. It was telegraphed that night to the Kansas City Times.

Q. At whose instance or suggestion?—A. It was done at the instance of John M. Price.

Q. Did you afterwards see it in print in the Kansas City Times?—A. I did see it in print in the Kansas City Times, but not exactly as Mr. Ingalls had signed it.

Q. State if you have a copy of the pledge as Mr. Ingalls had signed it.—A. I think I have.

Q. I wish you would read it now as part of your testimony.—A. As to the copy that was made that night, I would not say whether it was correct or not that night, as I was under obligations not to publish it until after the election, when Blanchard had promised to print it. After the election I wrote it out from my notes and published it.

SENATOR INGALLS' GREENBACK PLEDGE.

If you are elected to the Senate, will you work and vote to stop the sale of any more bonds?

Will you work and vote to pay off the 5-20 six per cent bonds in greenbacks, a full legal tender money, and stop the interest?

Will you work and vote to issue greenbacks, a full legal tender money, and give them to the national banks in place of their bonds, stop the interest, and retire the national bank circulation?

Will you work and vote for the free and unlimited coinage of silver the same as gold?

Will you work and vote to compel the Secretary of the Treasury to use the gold and silver in the Treasury, and pay an equal amount of coin bonds and stop the interest?

Will you work and vote to issue greenbacks, a full legal tender money, buy silver bullion, coin legal tender silver dollars, and pay off our coin debt, and stop the interest?

In answer to the above questions, if elected to the Senate, I will work, use my influence, and vote to enact the above propositions into law.

JOHN J. INGALLS.

The CHAIRMAN. It occurs to me that we have had that in evidence before.

Senator LOGAN. What is the object of it?

Mr. EVEREST. Political capital.

Senator CAMERON. The witness stated the substance of it, I think.

The CHAIRMAN. I cannot see what bearing it has on the question before us.

Q. (By Mr. WEBB.) In the conversation to which you referred, in which a copy of this Greenback pledge of Mr. Ingalls's was obtained, I wish you would state whether Mr. Price made any statement as to whether he should or should not vote for Mr. Ingalls for Senator.—A. Mr. Price gave me to understand that he would do all that he could to defeat the election of Mr. Ingalls, and would vote against him at the final vote.

Q. He gave you so to understand that night, which was a couple of nights before the election?—A. Yes, sir.

Cross-examined by Mr. EVEREST:

Q. Do you pretend to state that Mr. Ingalls ever signed any such paper as you have read here?—A. Yes, sir; he did.

Q. Is not this the only paper he ever signed? And this is a letter which he published in answer to requests made upon him by the Greenback convention and the voters in this State representing Greenback views, viz:

TOPEKA, KANSAS, *January 30, 1879.*

DEAR SIR: As my views have been frequently asked upon the financial question before the public, I take this method of saying to you that I am in favor—

First. Of the free coinage of silver the same as gold.

Second. Of the substitution of Treasury legal-tender notes for the national bank circulation, and the retirement of the bonds held by the banks.

Third. I am opposed to any increase of our bonded debt.

Fourth. I am in favor of purchasing silver bullion and of paying our silver coin equally with other lawful money in the redemption of our coin bonds.

Fifth. I am in favor of requiring the Secretary of the Treasury to treat silver and gold alike, and of using the coin reserve for the redemption and reduction of the national debt and the payment of the coin bonds.

Sixth. I am in favor of a paper money, to be issued by the government, having full legal-tender quality, which shall be receivable in payment of all debts, both public and private.

If elected to the Senate, I shall use all my influence in favor of the views as above stated.

Respectfully yours,

J. J. INGALLS.

A. What is your question?

Q. I ask you if that is not the only paper you ever knew of his signing or having published?—A. No, sir; it is not.

Q. Did he sign that or have it published to your knowledge?—A. I do not know whether he did or not.

Q. Did you see Mr. Ingalls sign the paper to which you have testified?—A. No, sir; but I saw his signature to it afterwards.

Q. You did not see him sign the paper?—A. No, sir; the paper that he signed was one that I had written and had it copied.

Q. I ask you, did you see him sign the paper which you have read in evidence?—A. I say no.

Re-examined by Mr. WEBB:

Q. Are you acquainted with Mr. Ingalls's handwriting, and his signature?—A. I am.

Q. Did you see his name in his own handwriting to the greenback pledge which you have written, and a copy of which you have read to the committee?—A. I did. I saw his name not only in his handwriting, but saw two or three places where he had erased a word and interlined one in the pledge as I originally wrote it. This, I think, was written to Mr. Scott afterwards. Mr. Blanchard had the pledge that I drew up that he signed. Mr. Ingalls recollects it very well.

Q. Who is Mr. Scott?—A. A member from Linn County. Mr. Ingalls told me afterwards that the one he first signed was not in the form that he intended to put it finally. I offered Mr. Blanchard \$50 for it after the election, and he would not let me have it.

Re-cross-examined by Mr. EVEREST:

Q. Then I understand you that the printed copy that you have produced here was made from a copy of a copy?—A. No, I made it from the original.

Q. You made this which you printed from the original?—A. Yes.

Q. You say afterwards he told you it was not in the form he desired it to be?—A. Afterwards; that is, this summer.

Q. Did you not just state that there were interlineations and erasures in Mr. Ingalls' handwriting?—A. There were two or three interlineations where a word had been marked out, and something else marked in. I can tell you what they were if you want to know.

By Senator CAMERON:

Q. You stated in your direct examination that you wrote the copy which you have read from your notes?—A. Yes, sir.

Q. What did you mean by that?—A. I in the first place made a memorandum with a pencil, and afterwards copied it, and gave it to another man to copy to be presented to Mr. Ingalls. When I could not get the one that Mr. Ingalls signed, then I went and hunted up my memorandum and wrote this from that. It may not be exactly word for word, but everything is in the one that he signed that is in this. I would not say the exact phraseology was used.

Q. Did you compare the paper signed by Mr. Ingalls with the original draft made by yourself?—A. Yes; I had the one that he signed for perhaps half an hour.

Q. Did you compare it?—A. I did not take it to my room to compare it with the one, but I examined it to see if it had been changed in any way from what I wrote.

Q. I asked if you had compared the paper signed by Mr. Ingalls with your draft.—A. I did not compare the papers.

JOHN M. HODGE, a witness called by the memorialists, recalled for further examination.

By Mr. WEBB :

Question. You were called and gave testimony this morning here?—
Answer. I was and did give testimony.

Q. State now whether at any time after the resolution for an investigation had passed the house of representatives and before the legislature adjourned you were on a train of cars at the same time when James S. Merritt and A. W. Callen were on the train?—A. Yes, sir.

Q. When was it; fix the time as near as you can?—A. I cannot fix it to a day.

Q. Where were you going?—A. I was going home to Abilene.

Q. You took the cars at Topeka?—A. At Topeka. Mr. Merritt was going to Wamego, where he lives, and Mr. Callen was going to Junction City, where he lives. I cannot fix the date exactly.

Q. How long was it before the legislature adjourned?—A. I should say two or three weeks; perhaps two weeks.

Q. Was it before or after the committee of investigation appointed by the house of representatives had made their report?—A. It was before they made the report.

Q. Do you know whether the Mr. Callen that was with you was the A. W. Callen who was a member of that committee?—A. He was certainly A. W. Callen. There was only one Callen a member of the house.

Q. You may state if between Topeka and Wamego, where Mr. Merritt got off, you heard any conversation between Mr. Merritt and Mr. Callen concerning the office of surveyor-general of Arizona.—A. The conversation was as much with me as with Merritt.

Q. Was there a conversation on that subject?—A. There was.

Q. State the entire conversation as briefly as you can.—A. I had heard Mr. Callen's name used in connection with the office of surveyor-general for Arizona, and in some way the subject of his candidacy or his application for that position came up. I am inclined to think that I broached it, although I am not positive as to that; at any rate that subject came up, and my recollection is that it was a new thing to Mr. Merritt. My recollection is that Mr. Merritt had not heard of it prior to this time. We were all in the little smoking-room of a sleeping-car, and there was a good deal said about it. I expressed to Mr. Callen a hope that he might be successful in getting that position; told him that I did not want him to think that because he and I had had a tilt here during the session I did not feel personally friendly. I expressed myself sincerely hoping that he might win the position. Whether it was at my suggestion or Callen's, I think likely mine, I think I suggested "Mr. Merritt ought to be able to be of some service to you; he ought to have and doubtless does have some influence with Senator Ingalls, who will have a good deal of influence in determining who shall be the surveyor-general of Arizona." Mr. Merritt made this remark to Mr. Callen, that if he could be of any service to him he certainly would do it, and he thereupon agreed that he would write or telegraph to Mr. Ingalls in Mr. Callen's interest, and when he got off at Wamego Mr. Callen and I remained in the little smoking-room for a little while and I finally stepped out on to the platform and Mr. Merritt came to me while the train stopped there, as it did five or eight minutes, and Mr. Merritt made this remark to me: "Tell Callen that I have attended to that;" that is, that he had telegraphed to Senator Ingalls for Mr. Callen. That is all there is to it; all that I

know about it. I had stepped out on to the platform, and the reason Mr. Merritt did not speak to Mr. Callen, I suppose, was because he was inside. He simply spoke to me as I stood on the platform, "Say to Mr. Callen that I have attended to that matter;" that is, that he had telegraphed to Mr. Ingalls, which I suppose he had done. I think it was at my request; I think it was I that introduced the subject and expressed the hope that Mr. Merritt might do something for Mr. Callen. Mr. Callen and I had had our local fights here during the session, and I wanted to convey to Mr. Callen the idea that I had certainly nothing personal against him, and that I really hoped he might succeed in getting that position and I believed Mr. Merritt could help him.

Q. As a matter of fact, at that time Mr. Callen was on the committee to investigate the election of Mr. Ingalls?—A. He was one of the members of that committee.

Q. And Mr. Merritt had been the warm friend and advocate and manager on the part of Mr. Ingalls?—A. It was so understood that Mr. Merritt was friendly to Mr. Ingalls.

Q. And although you suggested it, Mr. Merritt did himself telegraph or tell you he had telegraphed to Mr. Ingalls in Mr. Callen's behalf?—A. He did.

Q. In order that he might assist Mr. Callen in getting the appointment?—A. Yes, sir. Mr. Callen expressed himself as much gratified. I immediately conveyed the information to Mr. Callen as Mr. Merritt stated. I said, "Mr. Merritt directs me to inform you he has sent the telegram to Senator Ingalls."

No cross-examination.

JOHN S. DANFORD, a witness called by the respondent, sworn and examined.

By Mr. EVEREST:

Question. Where do you reside?—Answer. At Osage City, Kans.

Q. Were you at Topeka during the last Senatorial contest?—A. I was.

Q. State when you first came here to Topeka, about what date?—A. About the middle of January, I think.

Q. When you first came here were you favorable to any particular person as your choice for United States Senator; if so, whom?—A. My preference was for Major Simpson.

Q. Was he a candidate before the legislature for that position?—A. I so understood.

Q. Do you know, or did you know at that time, one T. J. Raybell?—A. I did not.

Q. Have you read the evidence that was taken before the legislative investigating committee?—A. Not lately.

Q. Have you read the evidence purporting to have been given by one G. L. White?—A. I have.

Q. State to this committee whether on any occasion or at any time or place during that Senatorial contest you offered, promised, or agreed to pay or give to Mr. White any money or other valuable consideration upon a contingency of his voting for Senator Ingalls for the United States Senate?—A. I certainly did not.

Q. Were you ever authorized, directly or indirectly, by Senator Ingalls to make any such offer to Mr. White?—A. I was not.

Q. Have you read the testimony of Mr. White purporting to have been given upon that subject?—A. I have.

Q. Is that testimony true or false ?—A. It is most certainly false.

Q. Did you know G. L. White at that time ?—A. I did.

Q. If you wish to state to the committee anything connected with him or any conversations between you and Mr. White, you may do so.—A. If the committee desire to hear it, I do not object to stating briefly what occurred between us as nearly as I recollect it. Mr. White came to my room ; I sent for him on the morning that Mr. Ingalls was re-elected, and I tried to persuade him to vote for Mr. Ingalls. He said he had been in the Horton caucus ; did not know I was for Ingalls ; was sorry he had not seen me sooner, or words to that effect. He objected to voting for Mr. Ingalls because he had been in the Horton caucus, and had pledged himself to vote for Judge Horton for the Senate. I finally got him to promise me that if his vote was required to make a majority for Mr. Ingalls when they called his name, his name being low down on the alphabet, he would vote for Mr. Ingalls, but he hoped it would not be required, as he preferred to vote for Judge Horton, because he had promised to do so in the caucus. That was about the substance of the conversation.

Q. Where did this conversation take place ?—A. It was in a room in the Tefft House. I believe the number was 120, but I cannot say definitely as to the number.

Q. Was any other person present in that room during that conversation that you recollect ?—A. I recollect Major Hood, of Emporia, being present there.

Q. Did you ever take Mr. White into that room and lock the door when you and he were there alone ?—A. I do not think I locked the door. I remember no occasion for locking the door.

Q. Were there people passing in and out of that room at the time you were conversing, and shortly before and after ?—A. The room was open, and people were passing in and out almost constantly. I had forgotten the fact of any particular one being present until Major Hood spoke to me about it the other day, and said he was present. I then remembered that he was present and that he asked me, on Mr. White leaving the room, who this party was.

Q. After Mr. White had given his testimony before the legislative investigating committee, did you see him shortly thereafter ?—A. I saw him soon afterwards. I do not remember the exact length of time.

Q. Did you then have any conversation with Mr. White regarding his testimony before the legislative committee ?—A. I had ; he came to me and wished to talk to me about it.

Q. State when and where that was, and what that conversation was.—A. I have forgotten the exact date ; it was on my return from Washington City ; he said he had seen in the newspapers that I had left the State to avoid going before the investigating committee, and that he had made some statement on the floor of the house to the effect that he had been offered money for his vote, and knowing that I was a friend of his and having seen it published that I had left the State, he had taken the liberty to say that I was the party before the committee when they insisted on his naming the party that offered him \$500 for his vote ; he had taken the liberty to use my name as the party having offered him the money, and begged me not to go before the committee and deny it.

Q. You went before that committee did you not ?—A. Yes, sir ; I told him I would have to do it in justice to myself ; I told him in the conversation that, whether I was subpoenaed or not, I should request the committee to hear me on that question.

Q. Did you know T. J. Raybell, member of the legislature from Greenwood County, during the last Senatorial contest?—A. I do not know him; never have known him; that is, I could not identify him; I may have seen him, but do not know him.

Q. Did you ever have any talk or conversation with him during that Senatorial contest, in which any sum of money was mentioned upon the consideration of his voting for Senator Ingalls?—A. I just stated that I do not know him, never have known him, and could not identify him to-day, and I certainly did not talk with any person about my using money or Senator Ingalls using it, and I do not know Mr. Raybell. If I talked to him at all, I did not know it was Mr. Raybell at the time of the talk.

Q. Did you wear your beard last winter the same as you do now?—A. Very much the same; I have not had a razor on my face for twenty years.

Q. Then had you chin and side whiskers last winter?—A. No, sir.

Q. You did not resemble a man that had a light moustache and flushed face, a slim man, last winter?—A. I was about as slim last winter as I am now, and my whiskers were about the same color, and my forehead was about as high, and my eyes were very much as they are at present.

Q. Have you read the evidence of Mr. Raybell that was taken before that investigating committee in connection with yourself?—A. I believe I have; I will say, however, as to those two names, one of them Clogston and the other Raybell, that I do not remember the difference in their testimony. I do not know which testimony is which; I cannot remember now, but I have read the testimony of both as published in some of the papers here.

Q. One J. B. Clogston, member from Greenwood County?—A. I believe they are both members of the legislature from Greenwood County, but I cannot say which testimony belongs to which; I do not remember.

Q. State whether at any time during that Senatorial contest you promised or agreed to pay either Mr. T. J. Raybell or J. B. Clogston any sum of money or consideration for their votes for United States Senator.—A. No, sir; I did not.

Q. You have read the testimony of each of them, wherein they attempted to connect you with some transaction of that kind?—A. Yes, sir.

Q. Are those statements true or false?—A. They are false, so far as I am concerned. I could not identify either of the gentlemen; I never had any talk with them on that subject.

Q. Do you know Sam Wood?—A. I know Col. S. N. Wood.

Q. This gentleman here (indicating to the witness Samuel N. Wood)?—A. Yes, sir; I know the colonel.

Q. Did you see him here during the Senatorial contest?—A. I did, quite frequently.

Q. State if you ever met him in any room in the Tefft House, in the presence of Mr. Hood or Mr. Anld, at which time any sum of money was talked of as being in your possession or under your control to be used in connection with the election of United States Senator.—A. No, sir.

Q. Was there any conversation between you and him or in his presence in connection with the use of money to obtain votes for United States Senator?—A. We may have joked about it, and I think we did, but we did not talk anything about it that was serious or intentional.

Q. It was the subject of a good deal of joking on his part and on the part of others?—A. Yes; frequently remarks of this kind occurred; that there was not a sufficient volume of currency to transact the business;

that money was a little short, and if they did not soon get issues of greenbacks, votes would rise, and so forth, in a jocular way, but nothing of a serious nature passed between us on the subject.

Q. Did I understand you to state that you had not made use of money or any other consideration, directly or indirectly, with any member of the legislature in connection with that Senatorial contest?—A. I so state: I did not.

Q. There is one question, but I do not know that I need take up the time of the committee about the \$10,000 transaction that occurred in February?—A. I should like to state to the committee about that.

Q. You may explain that, if you wish.—A. I wish to say to the committee, in regard to that telegram that I have heard testified about two or three times here by gentlemen, my having telegraphed to Major Hood, vice-president of the Emporia National Bank, on the 6th of February, to come up on the first train and bring \$10,000 in currency and go with me to Topeka; important. I believe those were the contents of the message, although I have not seen it since. I wish to say, though I cannot say it more emphatically than I have, that that had nothing whatever to do with Mr. Ingalls's matters. It was a matter wholly belonging to our bank, and I went to Emporia and got the currency, came up on the train, and gave it to Mr. Haslam, my cashier, who met me at the train, and I came on to Topeka myself. It was a matter wholly belonging to the business of the bank, and it never came east or north of Osage City. I handed it to my cashier there who met me at the train, and did not bring it to Topeka, and did not use it in any way directly or indirectly pertaining to Mr. Ingalls's or anybody else's business outside of our own bank. It had nothing to do with the election of United States Senator.

Q. Is there any other matter you wish to speak about?—A. It was said here to-day, by some, that it looked like a heap of currency for a bank to get. I wish to explain that our bank requires considerably more currency than banks of the size and towns of the size usually do in this country, for the reason that it is a coal town, and the only place where coal mines exist along the line of the Atchison, Topeka and Santa Fé Railroad, and we get exchanges from the coal operators from the Rocky Mountains up to Lincoln, Nebr., and we have to furnish currency as frequently as once a month for that purpose; and, then, it is quite a market for corn and castor-beans. I remember one morning, for instance, paying out \$8,000 before noon for castor-beans alone. We also do the collecting for our county treasurer, and we have to furnish him currency in sums quite large, at times. It is not an unusual thing for us to get \$10,000 in currency; we have done it frequently before and frequently since, and, as was testified here to-day, we have often got more than \$10,000 in currency from one bank at one time. We do not get it all from Emporia either; we often get it from Topeka, and often from Kansas City; but Emporia is our nearest point.

As to going down at night to obtain that currency, I wish to explain that there is no other train. The trains that run between our place and Emporia, one leaves Osage City at four in the afternoon, and the other at four in the morning, and we go down in person, usually, to get the currency, because the express charges are higher than the railroad fare would be. I, myself, have an annual pass over the Atchison, Topeka and Santa Fé Railroad, and it does not cost me anything to go down and get currency. I can go down on one train and come back on the other; and after night it is out of hours, and it saves time; and that is the only train which runs in the night between our place and Emporia.

Cross examined by Mr. WEBB :

Q. Did you send that telegraphic dispatch yourself ?—A. I did.

Q. From what point ?—A. From Osage City.

Q. What time in the day ?—A. It was in the evening. I think it was in the evening, for the reason that I am quite certain I left Topeka that day, went down home and found the need of currency, and telegraphed for it from there.

Q. What time did you leave Topeka ?—A. My recollection is that the train at that time was running about as it is now; so I left soon after dinner.

Q. You were then at Topeka the forenoon of the 6th of February.—A. I think I was; that is my recollection, but I would not say positively about it.

Q. And you went home in the afternoon train ?—A. I do not remember as to the date, but that is my recollection about that particular telegram. One of the gentlemen of the committee, General Logan, just stated it was the 6th of February. I do not remember the date.

Q. That is the date of the telegram. You know that you were in the city of Topeka on the morning of the day upon which you sent that telegram to Mr. Hood ?—A. That is my recollection.

Q. You are certain of it ?—A. That is my recollection.

Q. And you went home in what we call the day train shortly after dinner on that day ?—A. I think I did.

Q. After reaching home you telegraphed Mr. Hood ?—A. That is my recollection.

Q. Then next morning at four o'clock you took the train and went to Emporia ?—A. No, sir.

Q. When did you go to Emporia ?—A. My recollection is that I went down on the freight that night. I think the four o'clock train at that time was not running. It had not been put on then.

Q. You went down that night on a freight train ?—A. That is my recollection.

Q. What time did you reach Emporia ?—A. I do not remember; probably ten or twelve o'clock at night.

Q. What time did you leave Osage City ?—A. I do not remember. My recollection is that there was a freight switched at Osage at the time I got Colonel Steel's telegram saying that Major Hood was out with some cattle that he and I owned, and that Captain Heritage, the cashier of the bank, was at Topeka, and declined to send the currency. I then got on a train that I think was standing there, or came in very soon afterwards, and went to Emporia to get the currency.

Q. What time did you leave Emporia to come back ?—A. My recollection is that I came up on the regular passenger train leaving there about eleven o'clock.

Q. And you brought the currency up ?—A. I did.

Q. And you came right through on that same day to Topeka ?—A. I did.

Q. How long did you remain in Topeka ?—A. I do not remember. I have had a great many things to think about since, and have had no occasion to refer to it.

Q. You remember that you were here the morning you sent that dispatch to Hood ?—A. My recollection is that I left here that morning just as I stated a while ago.

Q. About noon ?—A. Yes, sir.

Q. You remember distinctly of going to Emporia in the night ?—A. I have so stated.

Q. And you remember distinctly coming back and not stopping at Osage City, but coming through to Topeka?—A. I have so stated.

Q. Now I want you to tell me how long you staid here?—A. I do not remember.

Q. Do you remember the day of the week?—A. I do not.

Q. That telegram that you sent to Mr. Hood requested him to come up on the first train and come with you to Topeka?—A. Yes, sir.

Q. Why did you want Mr. Hood to come up and come to Topeka with you?—A. I wanted him to come up here to consult about political matters.

Q. You wanted Mr. Hood to meet you at Osage City and come to Topeka and consult about political matters?—A. That is my recollection.

Q. What political matters did you want to consult with Mr. Hood about at that time?—A. I do not recollect what it was. I cannot tell; I do not remember the dates, and, therefore, cannot place these things.

Q. It was after the Senatorial election?—A. I could not state definitely. If it was the 6th or 7th of February, it was. My recollection is that the election took place on the last day of January.

Q. Are you able to state from your own recollection that this occurrence was after the Senatorial election?—A. I do not remember as to that. I cannot state; neither can I state definitely about the political matters. It might have been in regard to some live stock we were holding together.

Q. You do not remember?—A. I do not.

Q. Did you not know when you left here on the day you sent that dispatch to Hood that the house of representatives had adopted a resolution that morning ordering an investigation into Ingalls's election?—A. I do not remember. I knew it when the resolution was adopted, but I do not recollect the date.

Q. Do you remember being in Topeka when that resolution was adopted?—A. I do not remember whether I was or not.

Q. You remember learning the fact that the house had ordered the investigation?—A. I remember knowing it when the house did order it, but I do not remember the date the house ordered it.

Q. I ask you again, were you in Topeka when the house ordered that investigation?—A. I do not remember, I answer you again.

Q. Do you not remember now that the house ordered the investigation on the 6th day of February?—A. I do not.

Q. And that you went home that day and sent the dispatch on the 6th day of February to Hood?—A. I do not.

Q. Requesting Hood to meet you at Osage City and come to Topeka with you?—A. I do not remember the date.

Q. You gave it once as your recollection that you desired Mr. Hood to come here to consult with you upon political matters?—A. I said that was my recollection, although I modified it since by saying that I remembered also that we held some live stock together, and I might have wanted to consult him about that at that particular time.

Q. Do you remember that you did want to consult him with regard to live stock about that time?—A. I did.

Q. Where was the live stock?—A. It was held on the Marais des Cygnes River, about half-way between Emporia and Osage City.

Q. Why did you want to come to Topeka to consult about stock on the Marais des Cygnes River?—A. I wanted to come to Topeka, and as he was interested in the stock I wanted to see him.

Q. Is it not the fact that the investigation having been ordered, you telegraphed Hood to come up and bring the \$10,000 with him, that it

was important, the object being to use it to prevent the investigation?—A. Certainly not. Not one cent of it ever came east of Osage City, and it was never intended to come east of Osage City.

Q. Is it not a fact that you sent that dispatch from the depot before you went to your banking-house in Osage City?—A. I do not think it is a fact. I do not remember definitely about it.

Q. Do you remember being at the bank and learning anything about its financial condition before you sent that dispatch?—A. That is my recollection—that I ascertained on going home that the bank wanted currency, and I ordered it.

Q. How long had you been here before you went home that day?—A. I do not remember. I run down every few days. I was here most of the time, however.

Q. Was the same currency returned to the Emporia Bank?—A. I do not know in regard to that.

Q. Do you not know now that the investigation having been ordered and the committee appointed on the 7th, a day or two afterwards the same currency was returned because you could not use it?—A. I do not know anything about the investigation being ordered in connection with that currency. I remember ascertaining that the bank needed the currency. I went down there in the absence of the president, the vice-president, and the cashier of the bank, finding only the assistant cashier there, who hesitated somewhat about giving me the currency. I told him they held ample collaterals and gave my promissory note, payable on demand, endorsed by the Osage City Savings' Bank for \$10,000, and took it up with me, telegraphed the cashier to meet me at the train, that I had the currency. He met me and took it from me, and used it in the business of the bank, I presume. I do not remember as to its return. I heard a gentleman testify that the identical currency was returned. That I do not know of my own knowledge. Some time after that I found my note canceled at home when I went home from here, and the currency I do not know anything about as to the date of its being returned or the fact of its being returned.

Q. You say that your bank is often called upon to disburse a large amount of currency?—A. For a small bank.

Q. Tell us what was the particular occasion for your wanting \$10,000 the 6th of February?—A. I do not remember.

Q. Was your bank embarrassed at all?—A. No, sir; I presume not.

Q. Was there a large amount of exchange there from a particular locality?—A. It would not necessarily embarrass a bank to want currency. It might have exchange in New York, might have funds loaned out, and might want to convert some of its assets.

Q. I should like to have you tell me, if you can, what was the particular occasion for your wanting that \$10,000 in currency on the 6th of February?—A. I have told you emphatically that I do not remember that particular occasion, and have also stated that it was no unusual occurrence, and hence I do not remember.

Q. You say that when you came here to Topeka about the 15th of January, you were then friendly to the election of Mr. Simpson to the Senate?—A. I have so stated.

Q. You say that you do know George L. White?—A. Yes, sir; I know him.

Q. When did you first become acquainted with him?—A. I do not remember having met Mr. White. I think I had known him about two years before that time. He was a member of the house before, and I think I then met him for the first time.

Q. You say you sent for him to come to the Tefft House?—A. Yes, sir.

Q. And he came?—A. Yes, sir.

Q. Did you occupy a room at the Tefft House at that time?—A. I did not all the time occupy any one room. My wife was visiting in the city, and I did not have any particular room.

Q. Were you in room No. 120 in the Tefft House?—A. I do not remember definitely about the number. It is my recollection that 120 was the number that I was in at the time.

Q. Do you know who occupied the room in which you were, whatever its number was?—A. It was a kind of camp, where every fellow came in and out who wanted to.

Q. Who occupied the room when you were there besides yourself?—A. I have slept in the room with Mr. Foulkes, with Major Hood, and with a Mr. Frasier, of El Dorado, I remember. I do not remember other gentlemen who slept there at the time I did. There were two beds in it, and they were generally occupied.

Q. What Mr. Foulkes is it you refer to?—A. Mr. Foulkes was at that time a merchant in our town.

Q. Does he reside in your town now?—A. His family is there. He is mining in Colorado this summer.

Q. How long is it since you saw him?—A. I saw him not a great while ago.

Q. How many days ago?—A. It was a week ago last Sabbath, I believe.

Q. Where did you see him?—A. I saw him at Pueblo.

Q. When did he go there?—A. He went there the week previous, some time.

Q. Did you go to Pueblo with him?—A. Not all the way. I went as far as Newton.

Q. From what place did you go with him as far as Newton?—A. From Osage City, where I reside.

Q. Can you tell what day you left Osage City?—A. I cannot tell precisely, but it was within two weeks of this time. I do not remember the exact day.

Q. Do you not know that it was since this committee came here to Topeka for the purpose of this investigation?—A. If the committee will tell me when they came, I can answer the question. I think it is within two weeks. I do not remember the exact day the committee convened, neither do I remember the exact day Mr. Foulkes went. I am in business down in Newton, and we went down.

Q. What day was it you went to Newton?—A. I do not remember the exact day.

Q. You say you saw Mr. White in room 120?—A. I think that is the number, but I cannot swear definitely as to that number. My recollection is that is the number. It is on the third floor of the Tefft House, near the head of the stairs.

Q. You say you went in company with Mr. Foulkes from your place as far as Newton?—A. As far as Newton.

Q. And there you stopped?—A. I stopped. He stopped there a day.

Q. Then what?—A. Then he went to Colorado.

Q. When did you go to Colorado?—A. The following Saturday I left Osage City. I came back home in the mean time.

Q. You staid one day at Newton?—A. Yes; I staid more than a day there. I do not remember exactly. I go down there every week.

Q. You came back, and the following Saturday you went away?—A. That is so.

Q. Can you not tell me exactly what day Mr. Foulkes left your place?—A. I presume I could. I do not remember how long I was at home. No, I cannot. It was the first of the week previous, the forepart of the week previous.

Q. Did you afterwards yourself go to Pueblo?—A. I did.

Q. And there you saw Mr. Foulkes?—A. Yes, sir.

Q. Did you there see Senator P. B. Plumb?—A. I did.

Q. Did you have any interview or conversation with Mr. Foulkes while you were there?—A. I did.

Q. Did you have any talk with him in which it was understood that his presence was desired before this committee to testify as a witness?—A. The matter of the investigation was discussed, and I think at that time he told me that he had not been subpoenaed.

Q. Did you not yourself know that a subpoena had been issued for him?—A. I did not. I do not think it had at that time.

Q. Did you not know that his name had appeared in the papers?—A. As a witness?

Q. That witnesses had mentioned his name in their testimony?—A. I believe they had.

Q. Did he not know that fact when you were at Pueblo?—A. I do not know whether he did or not. He had been over at Silver Cliff got the papers, and was reading something about it one day when we were at dinner there.

Q. Did you have any talk with Senator Plumb about this investigation?—A. The thing may have been mentioned; no particular talk.

Q. How long did you stay there?—A. Just twenty-four hours; that is, I got in on the train one day and left the next day.

Q. Did you come back here?—A. Yes, sir.

Q. What was your business out there?—A. Mr. Foulkes had been out there before, and had a mine called the Treasure Trove bonded to him, and he came home to see if I would not, with Senator Plumb, and other friends of mine, take this mine. I telegraphed to Senator Plumb to meet me down there. I could not go out just then. He went, with certain other gentlemen from El Dorado, who were to invest in the mine. They were to meet us at Florence. They did not connect, and hence he went with me to Newton, with Senator Murdock and other gentlemen who were going to take an interest in the mine. They met us back at Pueblo, and we deliberated upon the question of taking this mine. That was all the business we had there that I knew anything about.

Q. Where was mine Treasure Trove?—A. At Silver Cliff.

Q. Have you ever seen it?—A. I never have. Mr. Foulkes was the man who was inspecting it for us.

Q. You say you saw Mr. White in room 120?—A. I have said that two or three times.

Q. You sent for him to come there. Whom did you send?—A. I believe I told Mr. N. F. Frasier and Mr. H. A. Gardiner to go and see if they could not get this man White.

Q. What day was that?—A. It was the day, very early in the day, that Mr. Ingalls was re-elected to the Senate. I do not remember the exact hour.

Q. How early in the day?—A. It must have been about the time the Horton caucus adjourned, if you remember; I do not.

Q. Was it before daylight?—A. I think it was when I first sent for him.

Q. What time did he first come there to the room?—A. I do not remember the exact hour; I cannot state.

Q. You can state whether it was before breakfast or after?—A. I do not know that I can. I cannot definitely state now.

Q. Can you tell whether it was daylight or whether you were burning gas or lamps in your room?—A. I cannot; but my impression is it was daylight, though I could not say definitely as to the hour.

Q. Where did you send for White? To what place?—A. Wherever they could find him.

Q. Who was there, if you can remember, when Mr. White came?—A. I do not remember definitely about who was there.

Q. Who came in with him, if any one?—A. I do not recollect that any one did, although there may have.

Q. Do you recollect whether any one was there when he came or not?—A. I remember that Major Hood was there.

Q. What was Major Hood doing?—A. I do not remember definitely. I only remember his lying on the bed and asking me, after White went out, who that rooster was, or something like that.

Q. Do you remember Mr. Hood being in the room during your interview with Mr. White?—A. I remember distinctly his being there and asking me about this.

Q. You remember very well his asking you about Mr. White?—A. Yes; some talk that we had about it afterwards.

Q. Do you not remember that Mr. Hood went out of the room and returned after Mr. White left?—A. No, sir; I do not remember his turning over on the bed.

Q. Will you say that when Mr. White came into the room Mr. Hood did not get up and go out of the room?—A. I say so. I remember his being in there when Mr. White went out.

Q. Where was he, and what was he doing?—A. He was lying on the bed. I did not pay any attention to him. I do not remember what he was doing. The room was quite a large one, and I talked with Mr. White.

Q. Do you remember testifying before the house committee of investigation last February?—A. I did testify.

Q. Do you remember testifying before that committee that you were in the room alone with Mr. White?—A. I do not think I did.

Q. Do you remember testifying that you might have been with him alone?—A. Yes; at that time I did not recollect what Major Hood has told me about this, and I did not think about it until he called my attention since.

Q. Then the fact is that you did not remember that Mr. Hood was there at all until he told you very recently?—A. Sometime ago; I have forgotten how recently.

Q. Was your conversation with Mr. White private?—A. I do not remember very definitely about it. I would naturally suppose it would be more or less private; but it was a large room, and there might have been two or three men in there, and I could talk somewhat privately to Mr. White. I do not remember whether it was private or not; it is owing to who was present. If Major Hood was the only one present, I would not have occasion for making it particularly private; if there were strangers about, I might.

Q. How large a room is that?—A. It is large enough for two beds in it and a door to open between them, a stove, and washing fixtures, &c., in there.

Q. Do you remember anything Mr. White said about having got into

the wrong camp, or wrong place, when he came there?—A. I do not remember any such thing.

Q. Do you not remember telling him that you were the gentleman who wanted to see him?—A. I presume I told him I wanted to see him. I do not remember definitely; it has been a good while ago.

Q. Is it not the fact that after Mr. White came into the room, whoever was in the room went out and you locked the door?—A. I do not think I locked the door. There may have been one or two or three persons who left. I do not remember definitely about it.

Q. Do you not remember locking the door and being in private conversation there with Mr. White?—A. To the best of my knowledge and belief and recollection, I did not lock the door. I do not remember any occasion for locking it.

Q. Do you remember any remark made by Mr. White advising you to bet on Horton's election?—A. No; I do not. I never bet in my life that I recollect of. I do not think Mr. White expected that I wanted to bet. I am not a gambler.

Q. Do you remember that he told you how many men were pledged to vote for Horton?—A. We discussed the matter. I do not remember definitely what he said about it.

Q. He told you he was for Horton?—A. Yes.

Q. You wanted him to vote for Ingalls?—A. I wanted him to vote for Ingalls. He told me he would, but he did not; that is, he told me he would if his vote was necessary.

Q. Did you not appeal to him as an old Ohio friend and acquaintance to vote for Senator Ingalls?—A. I may have talked to him as an Ohio friend.

Q. Do you remember it or not?—A. I do not. We may have talked about Ohio. We were both from the same region of country, Ohio. I would talk anything to him that was right and fair to get him to vote for Mr. Ingalls, because I had made up my mind I wanted Ingalls elected in preference to Judge Horton.

Q. When did you make up your mind to that effect?—A. I made it up more positively when I heard Horton was nominated. Ingalls was my second choice from the beginning.

Q. Had you not taken a contract to elect Ingalls?—A. No, sir.

Q. Had not you and Hood taken a contract to elect Ingalls?—A. Certainly not. I would not know how to do it without subbing. I would not know anything about making a United States [Senator myself.

Q. Did you not tell Mr. White there in that room that he might name his price if he would vote for Ingalls?—A. No, sir; price was not mentioned.

Q. What was mentioned?—A. O, well, I told him that he had better vote for Ingalls; that Plumb's friends now were supporting Mr. Ingalls, all of them, and that he had supported Mr. Plumb, and that he had better stay with us than go off among strangers, where he did not know how he would be used, and so on; that Mr. Ingalls lived up in the right part of the State to be elected if he was favorable to Mr. Plumb, and such like taffy as that.

Q. You told him that Mr. Plumb's friends were then supporting Ingalls?—A. Yes, most of them.

Q. When did Plumb's friends commence supporting Ingalls?—A. There might have been some from the first. I told him at that time most of Plumb's friends were supporting Mr. Ingalls.

Q. Mr. Hood was there?—A. Mr. Hood was in town.

Q. He was one of Plumb's friends, partner in Plumb's bank?—A. He is the vice-president of the bank that Mr. Plumb is president of.

Q. And he was supporting Ingalls?—A. I think he was. I am quite certain he was at that time.

Q. Did Mr. White tell you that any money you invested on Ingalls you would lose?—A. I do not think he did.

Q. Are you able to say whether he did or not?—A. I do not recollect that he did.

Q. Did you not tell him that it was not your money, that it was Ingalls's money?—A. I did not have any money, did not speak of any money.

Q. Are you acquainted with Mr. Clark, a member of the house from Montgomery County?—A. I do not think I know him by sight.

Q. Are you acquainted with a man by the name of Rood, a member of the house from Montgomery County?—A. I do not think I know him by sight.

Q. Did you know any of the members of the house from Montgomery County, whether you knew their names or not?—A. I do not believe I did.

Q. Is it not a fact that Clark, of Montgomery, came to your room just as White went away?—A. I would not know Clark, of Montgomery; I do not know that I have ever seen him. I probably have, but do not know him by that name.

Q. Is it not a fact that a man by the name of Rood, whom you understood to be a representative from Montgomery County, came to your room shortly after White went away?—A. I have told you that I did not know either of those gentlemen, and never have known them to the best of my recollection, knowledge, and belief.

Q. Did you limit your efforts in Mr. Ingalls's behalf to those members of the legislature with whom you were personally acquainted?—A. I presume I did. I do not remember going for a man that I do not remember what the name was and talking to him.

Q. Did you go up to the legislature, and go around among members of the house of representatives, and talk to them in favor of Mr. Ingalls?—A. I do not think I did.

Q. Did you go into the senate chamber, and talk to members and senators in favor of Mr. Ingalls?—A. I do not think I did.

Q. Did you talk promiscuously to members of the legislature as you saw them in the office of the Tefft House?—A. My recollection is that I talked not promiscuously, but talked to some members. I think most of the talk I had was up in that room, 120, or whatever the number was.

Q. When you talked to a member of the legislature, you sent for him or somebody brought him to that room?—A. That was the case as far as this man was concerned.

Q. With other members of the legislature also?—A. I could not name any other member that was in that room.

Q. Can you name any member of the legislature that you talked to in favor of Mr. Ingalls, except such as you talked with in that room?—A. I do not think I could.

Q. Now, sir, did you not telegraph to Mr. Plumb that Horton was nominated?—A. I probably did.

Q. Do you remember whether you did or not?—A. I presume that I did. I am almost certain that I did, although I cannot swear positively.

Q. What was the purpose of the dispatch you sent to Senator Plumb

after Judge Horton was nominated for Senator against Mr. Ingalls?—A. That Horton had been nominated for Senator.

Q. Anything else?—A. Not that I recollect.

Q. Did you not telegraph to Plumb for advice and suggestion and instruction as to whom you should support as between Horton and Ingalls?—A. I do not remember that I did.

Q. Did he answer your dispatch?—A. I do not remember whether he did or not.

Q. Did he not answer your dispatch, and tell you to stand by Ingalls?—A. I do not remember that he did; he may have.

Q. Where did you first see Mr. Hood on that morning?—A. I saw him in that room. My recollection is that I slept there that night.

Q. Did Mr. Hood sleep there with you or in the same room?—A. I do not think he did that night.

Q. Is it not the fact that you sent to the Fifth Avenue Hotel for him?—A. Probably I did.

Q. Do you remember whether you did or not?—A. No, I could not say definitely. I heard him say that I did and I believe I did, but I do not know of my own knowledge.

Q. Did he not come there very early in the morning, before daylight?—A. I think he did.

Q. What did you send for him for?—A. I wanted to talk to him.

Q. About what?—A. About the political complexion of matters and things.

Q. Did you talk to him about that?—A. I did tell him that Horton was nominated, and so forth.

Q. Why was it important for you just then to consult Mr. Hood in regard to those matters?—A. He was an American citizen, a tax-payer, and we had a right to talk about these things.

Q. He was also a banker?—A. He is a banker.

Q. You are a banker?—A. Yes.

Q. Your bank is in Osage City and his in Emporia?—A. Yes, sir.

Q. You were both here?—A. Yes, sir-ee.

Q. I find that answer printed in this book, "Yes, sir-ee"?—A. I am the fellow who gave that answer.

Q. If you sent down to the Fifth Avenue Hotel for Mr. Hood to consult with him, I want to know what was the subject of conversation when he came to the Tefft House?—A. Now that it had got down to a fight between two Atchison men, which one we had better support, and so forth.

Q. Did you discuss that question?—A. Yes.

Q. Did you discuss the means to the end of an election?—A. We talked about which would be the most likely candidate, and so on.

Q. Tell us what you did talk about; give us the definite subjects?—A. I do not remember definitely, only we talked about the nomination of Judge Horton and the chances as between the two, and what our preferences were.

Q. Was that all?—That was all I remember.

Q. Were any members of the legislature there before Mr. White came in?—A. Not that I recollect; there might have been.

Q. How did you expect to advance the interests of Mr. Ingalls if you were an Ingalls man, by sitting down there and talking over with Mr. Hood that there were a couple of Atchison men nominated and seeing which was the best man?—A. Probably I was egotistical enough to think that if I told a man Ingalls was the better man of the two he would vote for him.

Q. But Hood was not a member of the legislature?—A. We might discuss it; that was one way of getting votes changed.

Q. But you did not talk to members of the legislature except those that came to this room?—A. That is my recollection; we discussed about it.

Q. After settling preliminaries with Hood you proposed to send out and bring in members of the legislature?—A. I do not remember bringing in but one.

Q. You were very anxious to have Mr. Ingalls re-elected?—A. Reasonably anxious.

Q. And so was Mr. Hood?—A. Yes, we made up our minds that we would prefer Mr. Ingalls.

Q. But you did not go out to talk to members of the legislature, and Mr. White was the only member of the legislature who came to the room?—A. The only man I remember talking to, unless perhaps the members from our county, Mr. Danhaur and Mr. Bower, and perhaps Senator Murdock. I do not remember talking to others.

Q. Did you send for David Auld?—A. No, sir.

Q. Was he sent for?—A. Not to my knowledge.

Q. Was he in that room that morning?—A. I do not recollect seeing him there; he may have been there; it was an open door; people were continually going in and out; there was a great deal of excitement, a very dense throng.

Q. Do you not remember seeing Mr. David Auld in that room that morning?—A. I do not.

Q. Do you remember having a conversation at some place with Mr. Auld and Mr. Hood that morning?—A. I do not. I want to say that I do remember talking to Major Hood, but not to Mr. Auld. I am sorry I cannot remember anything about him if it makes any difference.

Q. Did you not talk with Mr. Auld that morning about some money matters, in which he told you that he did not have any money here?—A. No, sir; I had no use for any money, and I did not know anybody else that had.

Q. Did you not that morning demand as a condition of your support and going in to work for Mr. Ingalls, that Mr. Ingalls or his friends should place \$10,000 at your command?—A. Certainly not; most emphatically, no, sir.

Q. Is it not the fact that Mr. Auld secured to you \$5,000 or \$10,000 that morning?—A. No, sir; no sum of money whatever.

Q. Is it not the fact that Mr. Auld secured to you and Hood, or to Hood alone, \$5,000 or \$10,000 that morning?—A. No, sir; not one dollar, or any sum of money at all.

Q. Is it not a fact within your knowledge that that amount of money was secured to you that morning?—A. I have no knowledge of anything of the kind.

Q. Did you not take a promissory note which was given by or indorsed by David Auld, that morning?—A. No, sir; I never saw David Auld's name on a note in my life.

Q. Do you not remember seeing Mr. Wood in room 120 that morning?—S. N. Wood?—A. He was quite frequently in the room; I do not remember any particular morning.

Q. Do you remember his being there one morning when Mr. David Auld and Mr. Calvin Hood and yourself were there?—A. I never remember seeing Mr. David Auld in that room.

Q. Did you ever see him at all?—A. Yes, I saw him here a few days ago.

Q. Were you acquainted with him by sight before you saw him here?
—A. Yes.

Q. How long have you known him by sight?—A. I think that probably two or three years ago I met him at the Topeka Bank, in this town; and then I saw him last winter during the session of the legislature.

Q. You knew him by sight last winter?—A. I knew him by sight last winter.

Q. Then he could not have been in your room on the morning the Senator was elected, and you not know it? You might forget him, but if he was there you could not be mistaken?—A. I had no room.

Q. I have reference to room 120?—A. He might have been in there and I not know it.

Q. Do you know who paid for rooms 118, 120, and 122?—A. I have no knowledge of my own.

Q. Did you engage any room at that hotel?—A. No, sir; I think not.

Q. Did you pay for room 120?—A. No; I did not.

Q. Do you know who did pay for it?—A. I do not.

Q. You occupied it, then, without engaging it and without paying for it?—A. I occupied it part of the time.

Q. How many days?—A. I do not remember. I told you I was in the city off and on for about two weeks.

Q. While you were here you slept in that room?—A. Sometimes I did, and sometimes did not.

Q. Generally?—A. Probably half the time. I do not know that I always slept in that room. I would not be particular about that. I may have slept in some other room in the Tefft House.

Re examined by Mr. EVEREST:

Q. How long had you been acquainted with Mr. White?—A. I think two years.

Q. Quite well acquainted with him?—A. Quite well acquainted with him.

Q. You had known him back in Ohio?—A. No, I do not know that I ever did meet him in Ohio; our wives were acquainted.

Q. Do you recollect whether A. C. Dawes was here in Topeka the morning of the last ballot?—A. I do not know definitely. I understood that he was not.

By Mr. WEBB:

Q. You understood that to-day, from his testimony?—A. Yes; I do not know anything of it of my own knowledge.

The committee adjourned until to-morrow at 10 o'clock a. m.

WEDNESDAY, October 8, 1879.

The committee met pursuant to adjournment, all the members being present, as also the counsel for the memorialists, and the respondent with his counsel.

CHARLES H. MILLER, a witness called by the memorialists, sworn and examined.

By Mr. RIGGS:

Question. Were you a member of the legislature last winter?—Answer. Yes.

Q. Representing what district?—A. The 13th district.

Q. In the city of Leavenworth?—A. Yes, sir.

Q. State whether at that time you were the editor and proprietor of

a newspaper published in the city of Leavenworth.—A. I was proprietor of the Daily Press.

Q. Did you know John M. Price?—A. I did.

Q. Was he a member of the legislature last winter?—A. Yes, sir.

Q. State whether or not after your election to the legislature last fall and before the assembling of the legislature, you had any conversations with John M. Price in relation to the Senatorial question.—A. I had quite a number of conversations with Mr. Price, between the time he was nominated and the election of United States Senator last winter.

Q. State whether or not in any of those conversations he talked with you about the speakership of the house of representatives.—A. He did.

Q. State whether or not in those conversations he stated to you what his own position was upon the Senatorial question, as to whom he should favor.—A. In all the conversations I had with him, he always led me to believe that he was opposed to Mr. Ingalls's re-election.

Q. State what he said to you on that subject, giving his words as nearly as you can remember them.—A. One time I came with him from Atchison to Leavenworth in the same train. I asked him about the instructions; Mr. Ingalls's friends contended that there were instructions by the convention, instructing Mr. Price to vote for Mr. Ingalls. He said he did not regard them as binding; that they could have beaten the instructions as well as beaten Mr. King for the nomination, but they simply let the resolution go through; that he might possibly vote for Mr. Ingalls once or twice, but would not vote for him at the final ballot that would elect him.

Q. State whether or not at that time he was soliciting your support for the speakership.—A. After his election, yes, sir.

Q. In those conversations?—A. Yes, sir.

Q. State whether or not you said to him at that time what your relations were to Mr. Ingalls, and what your desires were as to his re-election.—A. Well, he seemed to know my desires. He was posted. I do not know whether we went over the ground particularly. He knew that I was opposed to Mr. Ingalls's re-election.

Q. And he was trying to secure the influence of your newspaper in his advocacy for the speakership?—A. Yes, sir; and on his assurance that he was not friendly to Mr. Ingalls's re-election, I advocated him for speaker in two or three columns of the paper, nominated him and voted for him in the house.

Q. You put him in nomination yourself?—A. I did.

Q. On his assurance that he was against Mr. Ingalls?—A. Yes, sir.

Q. About what time was the conversation you speak of that you had with him on the train between Atchison and Leavenworth?—A. It was directly after the election.

Q. About what month and day of the month, as nearly as you can fix it?—A. The first part of November. I cannot fix the day.

Q. State whether or not you had later conversations with him in relation to his vote for United States Senator.—A. Not particularly after that. I supposed the matter was settled. I was satisfied he would not support him. There was a communication furnished me in the Tefft House, which it was desired I should publish in the paper, derogatory to Mr. Ingalls, and I was told that responsible men had furnished the matter, and was led to believe that Mr. Price had done so. The manuscript was not written very plainly; the names were not plain, and I went to Mr. Price and he explained the matter so that I understood it.

Q. Did you take the manuscript with you?—A. Yes, sir; that also assured me that Mr. Price was not for Mr. Ingalls.

Q. What time was that?—A. That was before the election.

Q. During the pendency of the contest at Topeka after the assembling of the legislature?—A. Yes, sir.

Q. You had the manuscript with you when you went to him?—A. I had it in my pocket; I do not know whether I showed it to him or not; but I asked him about certain names that were not written very plainly.

Q. In that connection did you state what use you desired to make of the correct names, or did you refer to this manuscript?—A. I cannot say whether I did or not.

Q. Did you have any conversations with Mr. Price during the session of the legislature as to his vote?—A. I think not; never doubting him, of course I did not question him.

Q. Was Mr. Price generally known to be an anti-Ingalls candidate for speaker?—A. He was considered so by almost every one that I spoke to about it.

Q. Did you so understand him to be when you put him in nomination?—A. I did.

Q. Did Mr. Price request you to put him in nomination?—A. He did.

Q. Was your newspaper actively and openly opposing Mr. Ingalls's reelection prior to the assembling of the legislature?—A. It was.

Q. That newspaper was published in the city of Leavenworth?—A. Yes, sir.

Q. Is it a paper circulated in the city of Atchison?—A. Yes, sir.

No cross-examination.

WILLIAM J. BUCHAN, a witness called for the respondent, recalled for further examination.

By Mr. EVEREST:

Question. I believe you stated that you were a member of the senate of the State of Kansas last winter?—Answer. Yes, sir.

Q. Did you know George W. McClintick, member of the legislature from McPherson County?—A. I had a slight acquaintance with him.

Q. Were you called as a witness to any conversation between McClintick and James S. Merritt during the Senatorial contest?—A. Yes, sir.

Q. State when and where and what said conversation was.—A. It was very early on the morning of the Senatorial election in the office of the Tefft House, near the door, I believe. I was walking through the room and was called either by Mr. Merritt or Mr. McClintick to come where they were talking, and Mr. McClintick stated that he never had been offered nor had he received any money or the promise of any money to vote for Mr. Ingalls from Mr. Merritt. I said to him, "Have you called me here, McClintick, as a witness to this statement? If you have I want you to know what you are doing, as I shall probably repeat it, as there has been some report about your having been offered or received money." He said he did; that he was not with Mr. Merritt in this fight, as he called it, but that he would be square with him and state what was the fact, that he never had either received or been offered any money by Mr. Merritt to vote for Mr. Ingalls. I think he repeated it twice.

Cross-examined by Mr. RIGGS:

Q. What time was this conversation?—A. It was, I think, between daylight and the time that the Horton caucus adjourned. I think it

was after the Horton caucus adjourned, and we were bristling around getting up the fellows.

Q. Between daylight and the time the Horton caucus adjourned?—

A. That is my recollection; very early in the morning; before I went to bed, I know.

Q. In the office of the Tefft House?—A. Yes, sir.

Q. Was there a large throng in that office at that time?—A. Not at that time.

Q. How many persons were there at that time?—A. I presume there were a dozen or fifteen, quite a number, although the office was not as nearly filled as it usually was.

Q. Was anybody else there that you knew besides McClintick and Merritt and yourself?—A. There were numbers there that I knew, but just at the time I could not recall anybody, probably would not have known they were talking there except that they called me to them.

Q. This, then, was on the morning prior to the final vote for Senator?—A. Yes, sir.

Q. And thus early you say McClintick's having received money was talked about, was it?—A. It had been rumored around that he had been saying, or somebody had said, that he had received it, or something of that kind. There was some such rumor in the atmosphere.

Q. And you were called up by Merritt or McClintick to hear a conversation between them, in which McClintick stated to Merritt that he had not paid or offered him any money for his vote for Senator?—A. Yes, sir.

Q. And the vote was to be taken some six or eight hours after this conversation that you were called to witness?—A. It was in the morning before the vote was taken.

Q. Since that time Mr. McClintick has appeared before an investigating committee of the legislature of Kansas and made a statement under oath, has he not?—A. I believe so. I do not know that I ever read it, though.

Q. Were you called before that investigating committee to state what you have stated?—A. No, sir.

Q. You were here during all the progress of that investigation?—A. I was in Topeka.

Q. You were an intimate friend of James S. Merritt during all that time?—A. Not particularly intimate.

Q. You were an intimate friend of Senator Ingalls during all that time?—A. I was.

Q. Interested in having that investigation acquit him honorably, if it could be so?—A. I had the same interest that every other good citizen of the State had, nothing more.

Q. You have been called as a witness to this statement made by McClintick to Merritt that he never had received any money from him?—A. Yes, sir.

Q. Or been offered any money by him?—A. Yes, sir.

Q. You knew that McClintick had been taken before that committee to testify, did you not?—A. I knew that he testified there. That is my recollection. His name appears in the testimony, though I cannot say I know it.

Q. Did you not know at the time that he had been taken before that committee to testify?—A. I do not think I did.

Q. Did you not know from current rumor at that time that, having refused to answer certain questions, he was arrested and taken before the bar of the house for contempt, or about to be taken before the bar

of the house for contempt?—A. No, sir; I had no knowledge of any such fact.

Q. You say then you did not know during last winter while that investigation was proceeding, that Mr. McClintick testified before that committee?—A. I do not think that I did know while the investigation was proceeding, because I never read any of the testimony, I think, but I have known since, and I might have known then, that he was before the committee.

Q. I am simply asking you as to what you knew during the progress of the investigation. Do you swear that you knew nothing about McClintick having been subpoenaed, or appeared before that committee to testify?—A. No, sir; I say that I have an impression that I did.

Q. Knowing that you had been called to witness a conversation of this kind in which he disclaimed having received any money from Mr. Merritt, or having been offered any money by Mr. Merritt, did you disclose this fact to anybody or to that investigating committee?—A. I think I talked about it with Merritt.

Q. You think you told Merritt then what you have told this committee again?—A. I think I asked Merritt what McClintick was swearing to, or something of that kind, but I have no recollection as to what his testimony was.

Q. Did Merritt state to you what McClintick was testifying to before that committee?—A. I do not recollect now that he did. He might have done so.

Q. Did not Merritt tell you that he had been interrogated himself as to his having offered McClintick money?—A. No, sir; I think not. I have no recollection of it.

Q. And yet, being the repository of this confidential communication designed to protect Mr. Merritt and Senator Ingalls, you did not give it to that committee?—A. It was not my business to subpoena witnesses for that committee; neither was I prosecuting or defending the case.

Q. Did you offer to the chairman of the committee, or to any member of that committee, to give such testimony as you have given here?—A. I do not think I have ever mentioned it to anybody except Mr. Merritt. Yes, I have. I have frequently spoken of it in relation to McClintick. I never said anything to Mr. Ingalls about it, because I never talked about the case with him until the other day, when I mentioned it then, and some conversation was had in relation to McClintick's being here.

Q. Was it not a fact, either learned by you at that time or since, that an order of arrest was issued for Mr. McClintick for contempt in refusing to answer questions of the investigating committee, and that he was about to be taken before the bar of the house for that contempt?—A. If I ever knew it until now I have forgotten it entirely. I have now a vague recollection since you have called attention to it—I recollect more distinctly that it was reported at one time that he had run away, but it was afterwards ascertained that he had not, that he had gone home on some business and returned. I remember seeing something in the Commonwealth, I think, to that effect.

Q. Do you not now remember that he was arrested for contempt in refusing to answer questions as to who had made him certain offers of money for his vote?—A. I do not.

Q. You did know the fact that James S. Merritt had been called before that committee to testify, and you knew the fact during the progress of the investigation, did you not?—A. My recollection now is that Merritt was the last witness called there, and I did not know it until after he testified there. I had no interest in his testimony and thought but little about it.

Re-examined by Mr. EVEREST :

Q. This talk that you were called to witness was before the election of United States Senator, was it not ?—A. Yes, sir ; it was that morning.

Q. The morning before the election ?—A. The morning of the election.

Q. And not after the investigation had commenced ?—A. No, sir ; it was very early in the morning on the day of the election.

Q. Had it not been currently reported by those opposed to Mr. Ingalls that Mr. McClintick had made an affidavit in which he had stated that Mr. Merritt had paid him money ?—A. I think that is the way attention was called to it, since you have refreshed my memory. It was stated, not among the opponents of Mr. Ingalls, but among his friends, that such an affidavit had been made. I think that was the knowledge I had of it.

Q. That was the report ?—A. Yes, sir.

Q. That was the reason this conversation came up to which you were called as a witness ?—A. I do not know about the reasons for which I was called or how the conversation came up, but I remember now hearing some of Mr. Ingalls's friends say that McClintick had made some statement in relation to it. My recollection is that it was either a written statement or an affidavit ; I had even forgotten that fact until attention was called to it just now.

By Senator CAMERON :

Q. Have you ever read the testimony of McClintick given before that investigating committee, and if so state as near as you can when you first read it ?—A. Since the legislature adjourned and since the testimony was printed in pamphlet form, in my office at home I have frequently referred to it among my friends there as to what the testimony was, and I may have read his testimony at such times, but not with any special reference to what he testified. My recollection is now, that he did not testify that he did receive any money. It is very indefinite ; I did not read it with any view to any purpose afterwards, and during the progress of the investigation I think I never read any of the testimony at all. I was busily engaged all the time and paid no attention to it.

Q. It has been stated by some witness that a part of the testimony given before that investigating committee was published during the sitting of the legislature in the Kansas City Times. Did you read that ?—A. I think the Commonwealth, or it might have been the Times ; probably the Commonwealth and the Times printed a synopsis of it, or perhaps all of it, but I know if I read it at all it was merely a transitory glance at it during that time, and since I have only looked at it in my office with my friends in speaking about it.

By Mr. EVEREST :

Q. You were in the senate and the proceedings of the investigation were exclusively confined to the house ?—A. The committee was a house committee exclusively.

Q. They refused to confer with a senate committee, did they not ?—A. There was no conference. They refused to make it a joint committee. Mr. Merritt of course knew of this matter, but what his motives were in not having me summoned I do not know ; but the other day when McClintick's name was mentioned I stated the fact to Mr. Ingalls that he certainly would not testify to having received any money, because he told me and called me as a witness that he never had, and Mr. Ingalls then expressed some surprise and wanted to know why that did

not appear in the report of the legislative investigating committee, and I told him I did not know, for I did not know what McClintick testified there.

Q. Mr. Merritt was not an attorney on either side in the investigating committee?—A. I do not think he had any more interest in managing that case than I had.

Q. They sat with closed doors, as a matter of fact, did they not?—A. They did, as I understood.

JAMES S. MERRITT, a witness called by the respondent, sworn and examined.

By Mr. EVEREST:

Question. Do you prefer to make your own statement rather than be interrogated by me?—Answer. I have no particular choice in the matter.

Q. You may state in your own way what you wish, and then what the pleasure of the committee or of counsel is to ask you.—A. I desire to say, in the first place, that for quite a number of years I have been a very warm friend of Mr. Ingalls, and was here early in the fight, contributed what I could during the fall, during the election of members of the legislature, to secure Mr. Ingalls's re-election to the United States Senate. I came here for no other purpose but for that purpose. At all events that was the main object and business that I had here during the legislature. In the fall I had had frequent consultations with Mr. Ingalls in regard to the policy to be pursued by him in the contest. During the holidays, when he had returned from Washington, I had a conference with him, at which time he proposed that he should not be here during the fight. He assured me that he had 111 members of that legislature. It was then his intention not to be here. We all supposed that he had that many as first and second choice. I think the number was 111. I think I know their names. I came here at the commencement of the session. I engaged some rooms in Mr. Ingalls's interest. I subsequently paid for them out of Mr. Ingalls's money, and by drawing a draft of \$511 for payment upon him, which he honored, as I am informed; at least I never had notice of its protest.

I desire to say one thing here about the organization of that house. Mr. Sidney Clarke was a candidate for speaker; so was Mr. Biddle. It was Mr. Ingalls's request, not only his request but his positive injunction upon his friends, that they should take no part in that organization, to make it a distinctive political or personal fight as regarded him. So far as I was concerned, I tried to obey his wishes. My personal preference was Mr. Biddle, of Linn County. I took no part in the fight, because Mr. Clarke sought an interview with me, and I had one with him, in which he assured me that he did not want it understood that he was running as an anti-Ingalls candidate; he did not want my opposition to his election. I asked him whether, if he were elected, he would be friendly and fair and simply discharge the duties of his office as speaker, and not organize the house to Mr. Ingalls's detriment. He pledged me in the presence of J. W. Simcock, of Council Grove, whom he brought as his friend, and in presence of Mr. Hallowell and Mr. Wilson, that that would be his line of policy; he would be fair. We went out of that fight; many of Mr. Ingalls's friends supported Mr. Clarke upon that assurance; many of Mr. Ingalls's warmest friends that were there from the first, with more desire to elect Mr. Ingalls than anything else, voted for Mr. Clarke because there was an appeal made to them, a charitable one, to help Mr. Clarke out of the slough of despond and poverty into which he had gone, and that is what elected Mr. Clarke.

Mr. Ingalls still gave no intimation of his coming here. I telegraphed him to come. I felt that there was some danger. I found men that had pledged themselves and had talked with me during the fall that they would not be candidates against Mr. Ingalls, candidates actively working up their interests in this fight. I refer particularly now to Major Benjamin F. Simpson, a warm personal friend of mine as I had always regarded him, and I knew and had every reason to know that many of his warm friends he had assured me were for Mr. Ingalls and would be for him all the time, and would vote for Mr. Ingalls as long as Mr. Ingalls or any of his friends said he had any show. I believe that Mr. Simpson changed his mind honestly, changed it for reasons satisfactory to himself; but I thought I saw the necessity of Mr. Ingalls being on the ground, and I earnestly telegraphed him to come. He came eventually. We held caucuses. John M. Price, of Atchison, was the chairman of the caucuses; attended every one of them, I think. I do not recollect of his being absent; but I want to say that he attended every one of them. I attended them all, I think, without an exception. We made an earnest fight to bring together the young men of this State and try and break up that combination which was attempted to be made against Mr. Ingalls. I found not only myself, but a few other friends active in that matter in trying to impress that upon what we termed the young men of the State of Kansas, with whom we believed Mr. Ingalls was especially identified, and of which number he was an honored member, that they earnestly worked to that end, and used every argument and persuasion that was in their power. I know I did; I know they did, and we did have the young men of the State in that fight.

There was a ballot taken on Tuesday in the separate houses, at which Mr. Ingalls got 61 votes, aggregating the votes in both houses; the next day he got 63, which was in the first joint convention. I attended that joint convention, and we then had a majority of the Republicans. We had—and I know what I am talking about—we had kept our Democratic and Greenback votes from voting for Mr. Ingalls on that day, because we did not want a Democrat or Greenback vote till Mr. Ingalls had a majority of the Republican votes in both houses. I know that members of the house were willing and seemed to be anxious to make a change on that day. Of course we counseled about this matter continually. We determined then to have our Democratic and Greenback friends, who were favorable to Mr. Ingalls, vote for him. Many of them did so, and on the next day he received 72 votes. We then for the first time opposed an adjournment of the joint convention, because I knew, and I think I can safely say that everybody else reasonably knew, that if there was another ballot on that day Mr. Ingalls would have been elected. We felt confident of it. The term "knew" may be too strong. I endeavored to keep men from voting for an adjournment. I discovered that it had been the tactics of all the leaders of the different forces to ask as a last pledge of their men who were shaky and going to Mr. Ingalls to vote for an adjournment. That was the last request that they made of them. General Clapp, the gentleman from Woodson, I remember distinctly of having a conversation with him at that time, and when that roll was being called upon adjournment, I said to him "Will you vote now against adjournment?" he said "I have promised to vote for an adjournment." I want to explain the reason why I said this to General Clapp. He came to me in the office of the Tefft House at the commencement of the fight, before Mr. Ingalls came here. He introduced himself to me, stated that he had met me at the State convention. He

told me his name and what county he represented. I had had no recollection of meeting him. He said "I understand that you are Mr. Ingalls's friend and looking after his fight here." I said, "Yes, sir; to a certain extent I am." "Well," he said, "I want to assure you that you can count on me all the time; I have written to Senator Ingalls and told him exactly my position in that matter, and I do not want you to have any tears about me; I don't have to be looked after." This was before Mr. Ingalls came. In this conversation, I asked him how his senator was—Senator Finney—a gentleman whom I had met before. He said he thought he was leaning towards Anthony, but that he could get him around all right for Mr. Ingalls. He then came to me in two or three days after and consulted with me about introducing some resolutions upon the finance question. He said it was for the purpose of calling the attention of the legislature to George T. Anthony's hard-money theories, and he very much desired to defeat George T. Anthony on that account. I said to him "those matters you must determine for yourself." That was the only answer I made to him. I say this because I want this committee to know that this is the same man that introduced the resolutions for an investigation.

The CHAIRMAN. Proceed with your statement as rapidly as you can, so as not to omit anything which you wish to state.

The WITNESS. I mean to do it if the Chairman will bear with me. I was sick all last night and had a sick headache yesterday afternoon, and I am not well. I feel very anxious in justice to myself to tell the story as I understand it.

Q. (By Mr. EVEREST.) You were speaking about an adjournment.—A. There were against adjournment on that day, my recollection is—I have not the journal here—79 votes, notwithstanding all the drilling that had been done to get those men to vote for an adjournment. We then knew that there would be a combination, and I want to say here that we felt perfectly serene. I knew enough men that were in all those camps that had told me personally that in no event would they vote for any man except their first choice, unless for Mr. Ingalls. They called an anti-Ingalls caucus. There was no special uneasiness on our part, as I recollect, about its result. We heard that finally they had agreed. I received what I regarded and acted upon as reliable information of the number of members of the legislature in that caucus, how many votes Mr. Horton had received, and I was still confident that we did not need any more votes. We had had ninety odd votes pledged to us on the evening before in our caucus, and I thought we should get more.

That caucus adjourned. They came down in one wild, tumultuous mob. About the first thing that made me begin to realize how intense it was, was when a mob, headed by William Boud, of Leavenworth, came to our room, down that hall, yelling and hallooing that they would hang John Ingalls on a sour-apple tree, and as it seemed were going to take possession of our quarters as well as our votes.

Now, one thing I want to say right here about Mr. Hood and Mr. Danford. Mr. Hood and Mr. Danford came here; I had known them for a couple of years, and I met Mr. Danford, and knowing that he was in the interest of Senator Plumb and universally regarded to be by everybody here for reasons which are very apparent, I wanted him to throw his support to Mr. Ingalls. He was for Major Simpson; at least he so expressed himself to me, until Simpson went clear out of that fight, which he did by that anti Ingalls caucus. Mr. Hood came here for Mr. Simpson, as I understood. I talked with Mr. Hood a great deal.

I laid these arguments before him : It is not to Mr. Plumb's interest to have Mr. Ingalls defeated ; his location in the State is such as to be favorable to Mr. Plumb ; Mr. Plumb cannot afford to have the precedent established that a United States Senator shall not have more than one term from this State. I used all such arguments as it is apparent to any one would be used on such occasions. Mr. Hood, after the first vote, I think, expressed himself strongly that Mr. Ingalls was his preference. That is my recollection. Now, I sent for Mr. Hood. It was my business to do all I could do. Mr. Loy and Mr. Gillett were members from Lyon County, the home of Senator Plumb. I knew at this hour that those who were regarded here as Mr. Plumb's representatives were for Mr. Ingalls, and I thought that Mr. Hood by impressing that upon Mr. Gillett (a most estimable gentleman, too, I know him very well), and Mr. Loy, could get them to vote for Mr. Ingalls ; they being all fellow-townsmen, or at least Mr. Gillett and Mr. Hood being fellow-townsmen. He came for that purpose, and I want to say right here now, once and for all, that if Mr. Hood or Mr. Danford used a cent of money in that contest to secure a vote for Mr. Ingalls, they did it without my knowledge. We were satisfied that Mr. Ingalls would be elected, of course. I thought we had sure ninety-one votes until about some time in the forenoon, 10 or 11 o'clock, when I heard something about Mr. Wait and Mr. Bull leaving us. I do not remember now exactly when it was ; that is not clear in my mind just now. The first time I got frightened about it. Harry Anderson, of Ellsworth, had always been regarded by many of our friends as an uncertain sort of man ; I think unjustly, too. I always assured them that Harry was all right, and I believed Harry thought a great deal of me, too, and I would know any way if there was any trouble ; but I had heard that General Bull had gone back upon Mr. Ingalls, as the saying is. I thought that could not be possible. I wanted to see him. General Bull, the evening before, while the anti-Ingalls caucus was in session, came upstairs ; I had had frequent conversations with the general ; had known him for two years, served with him in the legislature, and we were quite intimate. I met him at the head of the stairs, and I said, "General," in rather a jocular manner, because I had no idea that he was in that anti-Ingalls caucus, for he told me he would vote for Mr. Ingalls as soon as Anthony was out of the way, and would never go into the anti-Ingalls caucus—said I, "What, general, ain't you in that anti-Ingalls caucus?" His reply was, "No, sir ; not by a God-damned sight, I ain't." I never remember hearing the general swear before or since. I know he said that. He said, "I want to see Senator Ingalls." We went in together ; he reached out his hand and said "Senator, at last I am in a position to vote for the man of my choice ; I shall vote for you to-morrow." I had no doubt about General Bull's vote from that time until Harry Anderson told me. Now, let me get back where I was. I said to Harry, "Harry, I don't want you to go to the State-house without me ; I want to go with you." He said he would wait for me and I said—I knew they roomed together down there—"I want to see General Bull." We went out of the south door of the Tefft House, and while we were walking down the street towards Mrs. Rankin's, which is on Seventh street, said I, "Harry, I suppose we can count on you sure to-day." He said, "What makes you ask that?" "Well," said I, "we want to know ; this is the hour of trial." He put his hand in his side-pocket, an overcoat pocket, and he pulled out a roll of bills that had a wrapper on it, and he said, "There is \$500 I got this morning to vote for Judge Horton ; if I vote for him,

to keep it; but if I did not, to give it back; I got it for the purpose of showing it to Wait." Said he, "You ought to know that I would not tell you that if I was not for Senator Ingalls." Well, I was satisfied; but I was sure there had been a heap of dirt played all around, and I did not know where we were going to land. It was the first time I was alarmed in that fight, because I thought I had sufficient information of the commercial gentlemen in that business, that I had got on their track and was keeping them from doing that sort of thing. I went around to see General Bull, but he was gone. I did not go into the joint convention that day, because I could not get in; it was so jammed. That was the first vote I had not seen.

Now, about this Harry Anderson business; I want to get through with that once for all. I was very tired, of course, and I went to sleep as soon as Mr. Ingalls was elected, or within an hour after. That night they had a jollification at the State-house. I did not go. I lay in room 19 in bed, and Harry Anderson came to me with this package of money that he has talked about, and told me something about Legate. I was pretty sleepy. He said he did not know what to do about giving it back. "Well," I said, "Harry, you take the train to-night and you go home; you take that money with you; you give that money to Mr. Purcell if he gives you a receipt, reciting the facts on which it was paid over." At that time Harry told me it had come from Purcell. I want to explain the reason why I said that. After Mr. Ingalls was elected I went down to dinner; I met Sidney Clarke coming up. I said, in a kind manner, "Sid, we got away with you." "Yes," he said, "but it ain't over yet; we will show you another Caldwell case." I thought that I would keep that money where it belonged. That was my reason for wanting Harry to take that receipt from Mr. Purcell when he paid over the money.

Here I want to say one thing in relation to Dr. Hodge. Dr. Hodge's talk and mine about the clerkship of the district court had no more to do with the Senatorial election than the moon has to do with the planet Jupiter. It was entirely a matter of friendship between him and me. Whatever Mr. Wilson consented to do in that matter was, at my solicitation, to do me a kindness, because I wanted to do my friend Dr. Hodge a kindness, and the doctor knows that, or ought to know it. Mr. Wilson, I ought to state here now, had told me frequently that he wanted to go to the Territories, and if Mr. Ingalls was elected he believed he would. I had told that to Dr. Hodge, and that there was going to be a vacancy there, and, talking over these matters, that he had been aggrieved as he thought and as I thought; I thought Mr. Ingalls had mistreated Dr. Hodge; I thought they all had. When I have a friend I am very loath to give him up. I was loath to give up Dr. Hodge. Dr. Hodge wanted evidence, as I understood, believing that I was going to do this for him, and he wanted to know if Wilson would be willing, and I wanted Wilson to tell Hodge that my wishes in that matter should be consulted. We talked about this from the time the legislature commenced till away after the election of Senator. Dr. Hodge said, "Well, how Judge Foster may be, who knows? I can't do anything there." I was anxious that he should have the position if Mr. Wilson went out, and I asked Wilson to see about it. This was for my own sake. I wanted to help him, and I wanted to be sure that Foster would recognize us and be advised by us in that matter; and I recollect a statement something like this: (whether Judge Foster signed it I do not know, but I guess he did): that if Mr. Wilson resigned his position as clerk of the court, as he talked of doing, his wishes should be con-

sulted in the appointment of a successor. I do not know that that was it, but that is as near as I can recollect. Dr. Hodge had made a strong fight against Mr. Ingalls, and we talked about that frequently. I said, "Doctor, you ought to be with us; I think you are mistaken; you are wrong. I think we ought to heal up these old troubles and get together, and let us all co-operate together." He said, in the only conversation we ever had about his voting for Ingalls, "Do you think, Mr. Merritt, that owing to the fact that I have made a bitter fight against Mr. Ingalls, I could ever vote for him?" Said I, "Doctor, I do not think you could afford to vote for him for yourself, and I do not think Mr. Ingalls could afford to have you vote for him." My reason for stating that was that I never knew a man to be elected pledged against a man and then to go to the legislature and vote for him in Kansas, but what he was charged with selling out, and it always left a stain, and I did not want any stain left in that fight.

Now here is the matter of Mr. Fisler: Mr. Fisler was a man that I had seen, and I always regarded him as a fraud. He came into room 17, and said he wanted to see me. The anti-Ingalls caucus was then in session. He said, "I want to talk with you now; I am ready to talk business. There is a paper down in my county that I want to get, and if you will give me \$1,100, I will vote for Mr. Ingalls; if not, I am going into that caucus, and I am going to stand by it." Said I, "Mr. Fisler, I have got no money to give you." I said, "You do not want any money for your vote." Well, he said, "I am going to have some money from whoever I vote for." "Well, sir," said I, "I have not any money." "Well," he said, "who has?" I felt a little like perpetrating a joke, and I did it. I took him right out into the hall. There were five or six men in the room. I took him right out into the hall, down below the stairs, and I said, "You go right up these stairs and turn to the right, and over here you will find a gentleman who I think will negotiate with you for your vote." I never saw Mr. Fisler after that time till after the Senator was elected, and I had returned from home. I do not know when I did see him the next time. I never introduced Mr. Fisler to anybody. I never saw Mr. Fisler to talk with him prior to that time, but just as I have related to you. I never sent him to any man, except in the manner that I have stated, for money for his vote.

Q. State whose room it was that you pointed to?—A. It was Mr. Pomeroy's room that I had reference to. I want to say here that I did not know that Pomeroy was using any money, but they were all saying it. I do not know yet that he used any money, but he had a reputation of that kind.

I want to say now a word about Mr. White. Mr. White and I served in the legislature two years ago. I was well acquainted with him. If I had known that Mr. Danford wanted to see Mr. White that morning, I should have told Mr. White that Danford wanted to see him. I did tell him so if I knew it and saw him. I do not have any recollection of it. I do know that I never said to Captain White or to anybody else that an old friend of his from Ohio wanted to see him. I know that much. My best impression is that I did see Captain White that morning, but I would not be certain about it. To be sure, I would rather have taken his recollection than mine heretofore, that I did tell him Mr. Danford wanted to see him.

Next, as to Mr. McClintick. Mr. McClintick was a young man, and I rather liked the young man too, and he always seemed to rather like me. He used to frequently come to my room and smoke cigars; was there very often. One evening he came to me and he called me by name and said

he wanted to see me. I went out with him ; we walked downstairs, walked out of doors; he led the way, seemed to want to unbosom himself about something, and I remember the place very distinctly ; it was right south of the Tefft House, opposite that restaurant in the city building. He said, "Merriitt, I have made up my mind that Phillips don't stand any show, and that I am going to vote for Ingalls." Said he, "I dont think Phillips would ever do anything for anybody except those land-office fellows at Salina anyway, and I have made up my mind to vote for Ingalls." I said, "Mac, I am heartily glad to hear that," which I was. I walked along and he got to telling me that there was a big fight down there in his county against him, that Richey had fought him, that he had to run independent and had been elected ; that he was running that newspaper there, was poor and young, commencing in life. He seemed to have an idea that Mr. Ingalls had a barrel of money or more. I could find lots of men, I guess, who would have sworn to that, that he had a million or two. He said, "I have run behind ; my election expenses were a good deal, and I am embarrassed, and Mr. Ingalls ought to help me." Said I, "Mac, you must not annoy Mr. Ingalls about anything of that sort ; he is absolutely poor; he has not money enough to pay his legitimate expenses of this Senatorial campaign." "Well," said he, "can't you help me?" "Why," said I, "I don't know ; I might." He went on to say that he had a good printing-press and a good business ; and the whole conversation (I cannot give it all) gave the impression to me that he wanted a loan of a temporary character, temporary assistance, which he would repay, not to be given at that time. I do not want to be misunderstood about that ; it was something to happen in the future, as merely a business proposition between him and me. I said, "Well, Mac, I will if I can, and I guess I can." I felt kind to Mac. The thing that lay nearest to my heart was the election of Mr. Ingalls, and he brought me some good news, and like every other man I felt naturally kind to McClintick, and if I could have helped him I would have done it cheerfully and readily. I think it was the next day—I will not be certain—he came to me and said he had made up his mind that he could not vote for Mr. Ingalls, and in the same conversation (he was very hurried about it) he said, "You need not get me that money. I don't want you to say anything about my having had any idea of leaving Phillips." I said to him that I would not say anything to anybody about it. The next thing I heard about that was first, that I had paid McClintick money, had bought his vote; next that McClintick had got his money and they had made him bring it back, and I heard on that Thursday morning—I think it was Thursday morning ; Senator Buchan says he thinks it was Friday morning, and I would not be positive about it, but my recollection is it was Thursday morning—I heard that Pomeroy had an affidavit made by McClintick that I had paid McClintick \$500 for his vote. I naturally was mad about it, and I went downstairs, and I saw Mr. McClintick standing right over by the front door of the Tefft House. I went up to him, and said, "Mac, did I ever give you or offer you any money to induce you to vote for Mr. Ingalls?" He said, "No, sir." I said, "Will you state that before any of these gentlemen?" He replied, "Yes, sir." My recollection is that it could not have been Friday morning, because there would have been more men in that room. There were 15 or 20 men, I should think ; there were men standing all around us ; there might have been 50 men there ; Mr. Buchan was the nearest man to us, I recollect. I said, "Billie"—I always called him that—"Will you come over here?" It was myself that asked Mr. Buchan to come over. He came over. Said he, "Wuat

do you want?" "Well," said I, "I want you to listen to the conversation." I spoke to McClintick and asked McClintick if he wanted him to witness the conversation. "Yes," he said. I asked him to state it over as he had stated it to me. He stated then and there to Mr. Buchan that Mr. Merritt never gave him nor offered him a dollar to vote for Mr. Ingalls or anybody else. That was one of those damnable frauds and acts of corruption that I perpetrated last winter!

Then there was the matter of Hossack. Mr. Hossack came to me; I cannot state positively what day it was; the best of my opinion is that it was Tuesday evening; I remember very well where I saw him and where the conversation commenced. We were standing in the Teft House looking at them playing billiards in the bar, and he commenced to talk to me about a fellow down in his town, a banker, he said, that he owed a note of about \$250 to. He said, "They are bulldozing me like hell to vote for Anthony, and I wish I could get rid of him; can't you let me have the money for a little while, \$200; with might pay, I have got enough money to pay the balance of it." "Well," I said, "I do not know; I will think about it." The more I thought about it, the more I thought I would let Hossack have that money. I saw Senator Ping and I said, "Ping, what kind of a man is Hossack?" He said he was poor, but he was a square, honest fellow. I went and loaned that \$200 to Mr. Hossack about as innocently as I ever did an act in my life, and I did not take his note either. He offered it to me. I never took any man's note of that kind under such circumstances or any other circumstances where his commercial paper could not be discounted in a bank, and I have loaned a good many men money in the same way. Here I want to say that was my money, and a good portion of it is pretty well invested yet. I do not remember the name of that—I know now by all the circumstances that that man's name must have been Playter; but I never knew Playter. That was the last I saw of Hossack that evening that I recollect of. I know he voted for Mr. Ingalls, had voted for Mr. Ingalls, been in the caucuses all the time, and all the time been counted as one of his staunchest supporters. His fidelity to Mr. Ingalls was never questioned; the question was never raised; but he put it to me in that way about that matter of these fellows down there at home to whom he was under these obligations, and I let him have the money. The first knowledge I had of anything about Mr. Playter was when I was going into the State house the morning of the election, and my recollection is that I had got up on to the floor where the State Treasurer's office and the Governor's office are, the floor below the Legislative hall; I met Hossack and this man Playter there and Hossack seemed to be agitated, seemed to be excited. I did not know what it meant, and I had no time to be fooling around and talking with anybody. Hossack said "Merritt, my friend here wants some help, and you can help him, and I wish you would if you can." "Well," said I, "what is it?" I was a little bit annoyed at being interrupted right then. Said Playter, "my bank is a depository of the county funds of my county, and the county treasurer owes the State treasurer \$3,000, and Francis is pressing him to pay it, and if I could get around, had a little more time, I could get out and could raise the money for I have plenty of collateral." "Now," says he, "I have a note of \$3,000 and a mortgage on Mr. Ping's farm; there is a year and one month's interest accrued at 12 per cent.; the property by which the note is secured will cash for \$6,000," and he said that he would let me have it if I could fix that matter with Francis. It occurred to me right then and there as a very peculiar time and place to be talking

that kind of business, and I said to him, "Is this a business or a political proposition?" He said, "It is a business proposition, of course." "Well," said I, "I will see Mr. Francis and I will try and have him hold your taxes in suspension and his claim against the county until we can get together and fix this thing. If it is as you say, I will see that that money is placed in the State treasury." I went and saw Mr. Francis and told him just what Playter had told me, and asked him if it would be all right, if he could wait on it. I said, "If he does as he agrees, and if this thing is as he says it is, I will see that the money is placed here." Francis said, "That is all right." My recollection is, that when I came back to go upstairs into the hall I saw Playter again and he asked me what Francis said. I told him Francis said that he would not press that matter for the present, it would be all right. That was the last I heard of it until after the election was over, and he came down the next day, I think it was, and said to me, "Can we attend to that matter." I said, "No, I cannot attend to it now; we have got to settle up our bills here and get straightened around; I am going home in the afternoon, but I shall be down the first of the week, and you come down and bring your proofs of the value of that property and bring your note and mortgage, and we can arrange it." "Well," he said, "all right." I came down the first of the week; I do not recollect whether Monday or Tuesday; at all events, I came down and saw Mr. Playter afterwards. He came to the room after I had been here a day. At all events, I was talking with Wilson; we were talking about the different bills we had around here, and I said to Wilson, that I had to see John Francis about a matter, and I told him what it was. Wilson said, "I would not do anything about that; that is a damned blackmailing scheme; he tried to blackmail Mr. Ingalls with that thing. He got a statement from Hossack that we paid him money to vote for Mr. Ingalls." Of course, I was surprised. I had prior to this time asked Mr. Ping if he knew anything about the character of this property and the note and mortgage. It seems it was his father that owed the note and mortgage. Ping said it was past due, and that there were \$1,200 or \$1,400 paid on it. I asked him what the property was worth. He said it cost five or six thousand dollars. That did not mean anything, and I asked him if it would cash for \$6,000. He said, no. I asked him what it would cash for. He said it would cash for \$2,500 or \$3,000, at a forced sale. That was what Mr. Ping told me. I went up into my room. I was lying down on the lounge with my head towards the door, when somebody came and rapped at the door. I said, "Come in," and Mr. Playter opened the door and walked in. I said, "Good morning." He said, "I have brought those securities, as I agreed to do," and he took out of his pocket a certified transcript of a mortgage taken from the record of the Register of Deeds, of Crawford County. I looked at it and said, "This don't count much." I think he said that the note was with the State treasurer. That is my recollection, though I would not be certain. I said to him, "Mr. Playter, I understand that you have got a statement signed by Mr. Hossack, that I paid Mr. Hossack money to vote for Mr. Ingalls." He said he had. I said, "Will you let me see it?" He said "Yes," and he took it out of his pocket and handed it to me. I read it, still lying on the lounge. I handed it back to him. Said I, "Mr. Playter, I wish you would put that in the stove." He said he could not do it very well. "Well," I said, "I should think you ought to understand that I cannot deal with you with such a paper as that in your possession. It seems to me that would be practically a confession that this thing was true." "Well," he said, "I can't destroy it. I

agreed to return it to Mr. Hossack." "Well," I said, "it would seem to me that as Mr. Hossack and I appear upon that paper, he ought to be satisfied if I knew it was burnt up." "Well," he said, and I was looking at him, and he was looking at me, and I thought it was the evildest look I ever saw come out of a human eye, "if I destroy this paper, you and I might not agree as to the terms of our contract." I did not lie on the lounge any longer. I got up, and I said, "You blackmailing son of a bitch, I have a mind to pitch you out of that window upon the pavement." I took hold of him. He backed. He said that I did not understand him. He said, "You don't understand me. Don't use any violence on me." Well, it occurred to me that I was a pretty big man to be taking hold of Mr. Playter to use any personal violence upon, and, said I, "I want you to leave my room." "Well," he said, "I want to see you and talk to you about this matter, and fix it up. I said 'Mr. Playter,' or I think I called him Painter; I thought his name was Painter; that was my recollection of it. I said, 'I want to say this to you, that I would not do business with you on any conditions if it were not for the fact that I had promised Mr. Francis that I would look after that deficiency. For the sake of my word to him, I would like to do it; were it not for that, I would do business with you on no conditions.'" "Well," he said, "can't I see you again?" Said I, "yes, sir; you can see me when you are ready to destroy that statement. Bring me a retraction from Mr. Hossack and a statement in your own handwriting that this is a lie. I want you to leave my room." I went and opened the door of that room and turned him out, and he went. There was something said, if I recollect, about meeting him at four o'clock that afternoon. I purposely avoided Mr. Playter all that day. I would not like to have seen him, for his sight was repulsive to me, and I did not meet him at four o'clock. I left my room and went up to the celebrated room 120 and staid that night. Mr. J. C. Wilson slept with me. I got up late that morning. Before I got up Mr. Playter came and rapped at the door and I reached over—I was in bed and I reached over and took hold of the knob of the door, unlocked it and opened the door and held it with my hand and looked out and saw that it was Playter. Said he, "When can you see me?" Said I, "You can see me, sir, when you are ready to comply with the conditions I have stated to you," and slammed the door in his face. When I got up it was breakfast time at the Tefft House, and I very seldom ate there anyhow. We had a good restaurant across the way. I went over there and ate my breakfast. I came back and I found in my box these two notes directed to me that are in evidence here; it must have been ten or half-past ten on the following day:

Hon. J. MERRITT: I called on time, but did not find you. Will be back in one hour—say half-past four—when, I trust, all can be arranged smoothly.

FRANK PLAYTER.

No date. I found this note in my box; also, this other note:

J. MERRITT: Will see you at half-past ten, if you desire. If not at Tefft House at that time, I shall take it for granted you do not wish to keep your promise—a conclusion I should be sorry indeed, as a would-be friend, to reach. Hoping to see you at that time, and that we may have a satisfactory understanding,

I am, yours,

PLAYTER.

I thought at the time that the first note had been written the day before, and this last note had been written that morning. I have an indistinct recollection that I saw Mr. Playter sitting over there against the wall of the Tefft House on the left hand as you go up stairs in the office,

on the south side of the office. I walked along and I remember distinctly that at the foot of the stairs he hailed me and he said, "Merritt, you had better fix that matter up, for I tell you I can get more money for that statement from the other side." Said I, "You go and get it, you blackmailing scoundrel, as quick as you can; our interviews are over." That was the last conversation I ever had with Mr. Playter in my life.

On the day after the election was over we talked about what the bills were; how much we owed; and it was my understanding that Mr. Auld was to advance Mr. Ingalls some money to pay these bills. That was that morning. The first I heard of it was on the morning of Saturday after the election. I counted up as best I could about what I thought the expenses and unpaid bills were, and they amounted to between \$1,100 and \$1,200. I cannot place it any nearer than that. It was over \$1,100. Just about the time that we were going off everybody was getting on his coat, getting his satchel and going away; I had called for my bill; I got this money to pay these bills with. I had paid \$253 the evening before out of my own funds to Mr. Thomas P. Gable, of Leavenworth, for cigars. The bill was brought to me; I looked it over and said, "This bill is not right." I said, "I will give you \$100 of this bill now, and I will pay it when I come down." I said to Mr. Ingalls, "You take this money"—I did not know but that he wanted some for his personal expenses—"and I can draw on you at Washington for these bills." I retained out of that money, I think, \$352 and gave the balance to Mr. Ingalls, and did draw the draft of \$511.10. I also drew a draft of \$213 on Mr. Ingalls in favor of Peter Miller; that was for cigars. I was pretty extravagant with cigars. I drew a draft also of \$300 to pay for some other matters, a lot of things such as hall rent, a restaurant bill across the way; I could not tell you what all the items were; cannot remember those things, but that is what those drafts were for and the draft referred to in the testimony of Mr. Roberts. The bill of Charles Aldrich of \$21.10 and H. D. Baker \$33.60 happened in this wise, as I understand: Mr. Aldrich was here after the election in the interest of some railroad legislation and he ran a bill there, and the railroad company really paid it, or I supposed they did; I do not know, but these items of \$21.10 and \$33.60 were arranged in this way and were paid in this way so far as my knowledge goes. I had been garnished by Mr. Ludington in a suit that he brought against McMeekin & Hartzell for something, I do not know what—the proprietors of the Tefft House. I was very busy; did not want to be annoyed about it. It was the time we were having a pretty lively time in the legislature during the investigation, and I said, "Don't bother me with that; I will assume the debt; I do not want to go and answer." Mr. Rossington, I think, was Mr. Ludington's attorney. I said, "Let me alone in this matter; I will pay it myself." I had these matters applied in this way to make me square and not lose any money on that bill. That is all I know about Charles Aldrich's bill and H. D. Baker's bill. As a matter of fact I never paid a cent of it except \$26.28 for the time I boarded there at the Tefft House. I took my meals somewhere else when I came back; I did not like the Tefft House at the time.

I am now ready to submit to cross-examination.

The cross examination of the witness was by consent postponed till the afternoon session.

The committee took a recess until half-past two o'clock p. m., and resumed its session at that hour.

JAMES S. MERRITT, a witness called by the respondent, recalled for cross-examination.

Cross-examined by Mr. WEBB :

Question. You stated that you were here last winter engaged in the Senatorial contest in the interest of Senator Ingalls working for his re-election ?—Answer. Yes, sir.

Q. You stated that you had a conversation with him about the holidays ?—A. I did.

Q. With respect to the policy or course to be pursued towards securing his election ?—A. Yes, sir.

Q. State whether you were not here then with his knowledge and consent, and by an arrangement and understanding with him that you were to represent him here.—A. He understood and I understood that I was to be here and assist him what I could to secure his re-election.

Q. You came here in advance of him and engaged a suite of rooms at a hotel ?—A. I engaged a suite of rooms at the hotel in advance of his arrival.

Q. And when he came here he occupied a portion of the rooms and you yourself occupied one or other of the rooms ?—A. I think that Mr. Ingalls slept in the Tefft House two nights.

Q. I have not reference to his lodging here ; they were his reception rooms in the day-time ?—A. Yes, sir.

Q. When I say "occupied," I mean that nobody else occupied them ?—A. Nobody but Mr. Ingalls and his friends with our consent.

Q. And you yourself occupied one of those rooms, to wit, room 21 ?—A. Room 19.

Q. Which side of the hall is it ?—A. It is the room that opens off the parlor.

Q. Who occupied room 21 ? Whose room was that ?—A. I think that Mr. Briggs and Mr. Wilson slept in that room.

Q. Mr. Briggs, member from Atchison ?—A. Yes, sir.

Q. And by "Wilson" you mean Mr. J. C. Wilson ?—A. Yes, sir.

Q. He was not a member ; he was one of Mr. Ingalls's friends ?—A. Mr. Wilson was one of Mr. Ingalls's friends, and a very active one, too.

Q. Did Mr. Briggs remain there and occupy that room during the entire session ?—A. No, sir ; I think not. We did not occupy those rooms after the election of Senator.

Q. Name, if you can, a number, half a dozen or a dozen, more or less, of the men who were here to advance the interests of Senator Ingalls, among the most prominent of his friends around the Tefft House, and around those rooms during the winter, besides yourself.—A. What do you mean—members of the legislature ?

Q. I want you to name the prominent friends of Mr. Ingalls that were there occupying those rooms, and around there, that you regarded as warm friends of Mr. Ingalls, working for his re-election. I will begin with yourself and ask you to name the others.—A. I regarded Mr. Wilson as a very warm personal friend of Mr. Ingalls, who had very near to his desires the re-election of Mr. Ingalls—was anxious that he should be re-elected.

Q. You mean Joseph C. Wilson ?—A. Joseph C. Wilson.

Q. What others were there ?—A. There was Senator Griffin, of Bourbon County, who was very anxious about it.

Q. He is now dead ?—A. I understood so the other day.

Q. Go on.—A. There was Major Woodworth, of Atchison, a member of the State senate ; L. M. Briggs, of Atchison, member of the house ; Captain Seaton, of Atchison, a member of the house ; John M. Price

was in there a great deal. He was another member of the house. I saw him frequently there.

Q. Do you not remember them rapid enough? I will ask you as to names. Was George R. Peck one?—A. Yes, sir.

Q. James R. Hallowell?—A. Yes, sir.

Q. J. S. Danford?—A. No, sir.

Q. Towards the close of the election?—A. After the nomination of Mr. Horton, Mr. Danford was for Mr. Ingalls, and never before, to my knowledge. I say that quite positively.

Q. Calvin Hood?—A. Calvin Hood, I think, after the first ballot in the separate houses, was for Mr. Ingalls.

Q. David Auld?—A. I do not remember seeing David Auld but two or three times. He is a man that I never knew until I met him last winter, and only met him casually.

Q. Was he there as one of Mr. Ingalls's friends? That is the point.—A. That I cannot answer from my own knowledge. I know this: if he had anything to do with the campaign I did not know it.

Q. Byron Roberts?—A. Byron Roberts was there, and a good warm friend of Mr. Ingalls. He was there a good deal, too.

Q. There a portion of every day?—A. Was there every day and every evening. He made that his general headquarters at the Tefft House, I think.

Q. C. M. Foulkes?—A. C. M. Foulkes is a man that I do not intimately know. I know him by sight.

Q. Was he there last winter, to your knowledge?—A. He was about the Tefft House; he was about the hotel.

Q. Was he not about your room occasionally?—A. I never saw Mr. Foulkes in our rooms in my life that I know of.

Q. J. V. Admire?—A. I know J. V. Admire, and J. V. Admire was once in our rooms, and my recollection is I tried to get him in there and tried to get Jake to overcome his antipathy to Mr. Ingalls.

Q. Did you succeed with him?—A. If Mr. Admire was ever anything but the enemy of Mr. Ingalls I do not know it; I mean since his removal from the post-office. Before that I think he may have been for him.

Q. Passing over your testimony in regard to sundry matters, including the speakership, you say that down to a certain period of time you had not regarded Mr. Ingalls as in any danger concerning his re-election, but that for some reason you regarded it as necessary for him to come here and you telegraphed him to come?—A. I did.

Q. If that is the case, how did it happen that you engaged rooms for Mr. Ingalls if you did not expect him here?—A. I engaged rooms for his friends; I engaged them for myself among others. I say, in the interest of Mr. Ingalls I engaged those rooms. I want to say right here that I never could get Mr. Ingalls's consent to be here personally in the contest. He had what I regarded as a foolish pride about it. I always told him so, and I urged him very strongly by telegraph, as strongly as I could write the telegram, to come here and get here as early as possible.

Q. You say that Mr. B. F. Simpson was a candidate himself for Senator contrary to his assurances previously given to you?—A. Most assuredly.

Q. Did you not know that Major Simpson was a candidate for Senator during the whole year 1878?—A. I will tell you what I know.

Q. Do you not know that? Answer my question as I ask it?—A. Well, I do not know it.

Q. Did you have frequent conversations with Mr. Simpson during the

year 1878?—A. I had frequent conversations. The first conversation I had with him was after the election in November, when we had the full roll of the senate and house, and I went over with him and canvassed the members of the legislature as to how they stood upon the Senatorial question. We went over that list of names, and I want to state just what Mr. Simpson said to me and I said to him. Said I, "Are you going to be a candidate for the United States Senate?" Said he, "No. I am not." "Well," said I, "ain't you got your lighting-rod up a little?" "No, sir; I have not." "Are you not an actual or contingent candidate for the United States Senate?" "I am not." "Whom will you support?" "I am for Mr. Ingalls." Said I, "Ben., will you take off your coat and work for Ingalls as you and I worked for John A. Martin's nomination for governor?" He said, "Just the same." Said I, "You know why I am asking you these questions?" He said he did. Said he, "Jim, I tell you that I will stand by Ingalls as long as he or any of his friends say he has a chance for election." That Ben. Simpson said to me in the month of November—the latter part of November—or early in December when I met him here in Topeka. And another thing Mr. Simpson told me. I went to him at the commencement of the legislature; we were talking about the candidacy of Mr. Biddle. Mr. Simpson wanted Mr. Biddle elected speaker. Said I, "Simpson, I understand you are going into this Senatorial fight." He was in his room; he rolled up his sleeves this way (indicating), and said, "Jim, I propose not to be a candidate; I have not got that bug in my head, as you think I have, but I propose that the next United States Senator from Kansas shall be indebted to me for his re-election." Said I, "You will go into a combination; these fellows will get you into it, and will elect some of these fellows that is an enemy to all of us." He said, "I tell you I never will go into a combination against John J. Ingalls for his re-election to the United States Senate as long as I live." I am telling you just exactly what Mr. Simpson said, and in that way.

Q. That is enough about that.—A. I have told you the whole story about that; Mr. Simpson will not deny it, either.

Q. You say that upon the first vote, on Tuesday, when the houses voted separately, Mr. Ingalls's aggregate vote was 61?—A. That is my recollection.

Q. You said previous to that that you counted, before the legislature met, 111 votes for Mr. Ingalls?—A. For Mr. Ingalls as first and second choice, after complimenting local candidates.

Q. Those complimentary votes, of course, were cast that day?—A. I do not mean entirely complimentary, because I think that all the men who voted for these different candidates honestly preferred their local candidates. I want to qualify my term "complimentary."

Q. The next day when they voted in joint convention Mr. Ingalls received 63 votes?—A. That is my recollection, and I am very sure of it.

Q. That was 48 short of the 111, which you anticipated he would get?—A. Yes, sir.

Q. Then you were disappointed at that time?—A. No, sir; because those men were still active candidates for election to the United States Senate, but that had to be crystallized some time.

Q. The next day, which was Thursday, you say Mr. Ingalls received 72 votes?—A. That is my recollection.

Q. And that day several of the Democrats voted for him?—A. Yes, sir.

Q. Mr. Greever, Mr. Donahue, and Mr. James?—A. Yes, sir; those three voted for him.

Q. I pass by all you said about General Clapp, for I do not know anything about it, nor is it material.—A. It is true.

Q. Whom was Calvin Hood here for?—A. Calvin Hood came here, as I understood it, in the interest of Senator Plumb.

Q. Senator Plumb had been himself elected to the Senate at the session of 1877?—A. Yes, sir.

Q. For the term of six years?—A. Yes, sir.

Q. And Calvin Hood came here at the session of 1879 in the interest of Senator Plumb?—A. I say again, unqualifiedly, that was my understanding.

Q. What interest did Senator Plumb have in the election of last winter which Calvin Hood was sent here to represent, and was here to represent?—A. That must be a very unnecessary question for you to ask me.

Q. I ask it because I should like to know.—A: You want my opinion about it, I apprehend.

Q. If you know, I want you to state the fact.—A. I only know what I suppose the fact, that Senator Plumb did not want his chances four years from last winter to be jeopardized by the election of some man that would be hostile to him in the interim. That is what I should have done if I had been in Mr. Plumb's place.

Q. Did not Mr. Hood support Mr. Ingalls in the end?—A. After the first ballot in the separate houses, if I recollect correctly, Mr. Hood told me that he thought Mr. Ingalls was the man that would best subserve the interests of Senator Plumb, and, therefore, he was for him.

Q. From that time forward you know that he was desiring Senator Ingalls's re-election?—A. He said so, and I believed him.

Q. You heard him say it?—A. Yes, sir; often.

Q. You consulted with him frequently about it?—A. Yes, indeed, I did.

Q. In what room; in room 19?—A. No, sir.

Q. Room 21?—A. No, sir.

Q. Room 120?—A. No, sir.

Q. Where?—A. Room 122.

Q. Was that one of the rooms you engaged for Mr. Ingalls's friends?—A. No, sir.

Q. How many rooms did you engage for Mr. Ingalls's friends besides 17, 19, and 21?—A. Not any.

Q. How many rooms did you pay for during that contest, besides those three?—A. I can tell you that the account shows that I paid for one room \$6, room 116; and as to payment for room 129 or 139, I know nothing about that.

Q. That account shows some other things you do not believe to be true on its face?—A. And that I do not know are true.

Q. And I do not believe them to be true, either; so we shall not have any words about that.—A. I know it was there when I refused to settle the bill that morning.

Q. Who occupied room 122?—A. T. B. Murdock, senator from Butler County.

Q. You say that you sent for Hood yourself?—A. I did; I do not know whether my messenger went for him, but I sent for him, was anxious to see him.

Q. And I understood you to say, and I ask you if you did say, that your object was to have him here and impress upon Senator Gillett and Representative Loy that Mr. Plumb's friends were in favor of Mr. Ingalls's re-election?—A. That was it, and I wanted another thing—

Q. I only wanted to know if you stated that ?—A. I stated that exactly, and I wanted another thing ; I wanted the prestige (if Mr. Plumb had any) of having him in that fight at that time, and I believed he had, and I believed when the fact was known that there would be harmony between the two United States Senators. It had its influence, and you know it as a politician as well as I.

Q. I am not a politician. You made a statement in regard to Hood and Danford that if they used a cent of money in that contest to control votes for Ingalls, they did it without your knowledge. Now, I want to call your attention to the fact that in that regard you used the expression, "A cent of money," and in regard to McClintick you spoke "of a dollar in money." I ask you if you paid to any member of the legislature, directly or indirectly, any money to influence or control the vote of such member upon the Senatorial question ?—A. No, sir.

Q. Did Mr. Danford, to your knowledge or upon any statement made by him to you or in your hearing, pay to any member of either house any money whatever to influence or control the vote of such member upon the Senatorial question ?—A. No, sir.

Q. I ask you the same question precisely in regard to C. M. Foulkes ?—A. I say the same ; he did not.

Q. Do you know whether Joseph C. Wilson paid to any member of the senate or house any sum of money whatever to influence or control the vote of such member upon the Senatorial question ?—A. I do not.

Q. Was any money paid there or around any of the rooms which you hired for Mr. Ingalls's friends or which were occupied by any of Mr. Ingalls's friends, to any member of the legislature or to any other person to be given to any member of the legislature, to influence and control the vote of such member on the Senatorial question ?—A. Not to my knowledge. You have all mistaken that fight.

Q. That is aside, and I hope it does not go on the record.—A. I hope it will go before the country pretty soon.

Q. Now I will ask you in regard to Mr. McClintick. You say that you did not pay Mr. McClintick a dollar in money to vote for Mr. Ingalls ?—A. I did not.

Q. Did you not promise to pay, and did you not directly or indirectly pay to George W. McClintick some sum of money to influence or control his vote for Senator ?—A. No, indeed ; I did not.

Q. Do you not know of your own personal knowledge that Mr. McClintick received several hundred dollars which he retained overnight and then returned, because his conscience, as he said, would not let him keep it ?—A. I say no—

Q. That is an answer. I know what you said in your examination-in-chief, and it does not need any elaboration. You did know Mr. McClintick last winter ?—A. Yes, sir.

Q. You told the conversation that you had with him yourself, and said that Mr. Buchan was called up to witness Mr. McClintick's statement ?—A. That is correct.

Q. Now, I will ask you if you did not know before you testified before the legislative committee that Mr. McClintick had sworn before that committee that he was offered or paid money for his vote ?—A. I will tell you what I knew. I got into the room of that investigating committee (which sat with closed doors, and every witness, as I understood, was sworn to secrecy when he testified as to what he knew about the matter) about the time it was breaking up, and I asked if Mr. McClintick had testified to certain matters. I had heard it upon the street. They showed me what he had testified to ; I think Mr. Callen did it, or

Mr. Keller or Mr. Hartsborne, or perhaps Mr. Randolph, I would not be certain.

Q. Prior to giving your testimony before that committee, did you know or were you informed that Mr. McClintick had testified that you yourself had offered him \$300 because he was favorable to Mr. Ingalls?—

A. I was told this, that Mr. McClintick had gone before the committee at one time and testified that he was offered by one man \$300 for his vote and by another man \$800; he was asked the question, "Who made you these offers?" he refused to answer; he was reported to the house as in contempt of the committee, and an attachment was issued for him; he was brought before the bar of the house to purge himself of his contempt; he signified his readiness to go before the committee to testify. My understanding is that the question was propounded to him in this shape, "Who offered you the \$300?" and his answer was "J. S. Merritt." "Who offered you the \$800?" and his answer was "A man by the name of Shadduck." That is what I heard he had testified to, and I heard that that was the question that was propounded to him. I was so informed by a member of that committee.

Q. The conversation that you had with Mr. McClintick, when Mr. Buchan was present, was several weeks before that testimony was given by him before that committee?—A. I think—and Mr. Buchan and I are both quarrelling about it yet—I think it was Thursday morning, and he says it was Friday morning.

Q. It was several weeks before his testimony was taken before that committee?—A. Yes, sir; that committee you must remember sat with closed doors.

Q. It does not change the fact, though, that the statement to you was not on oath and the statement made by him before the committee was on oath?—A. Certainly not.

Q. You stated that your suggestion to Dr. Hodge in regard to the clerkship of the district court was one of pure personal friendship and in nowise connected with the Senatorial election?—A. I do not think Dr. Hodge will dispute with me about that. I say it was that entirely and only.

Q. Did you not say to him that you desired him to withdraw his opposition to Mr. Ingalls?—A. I said to him, not as a consideration for that, but I did urge him over and over again to stop his hostility. I am frank to say that I would have liked to have the doctor working with us, but told him at the same time what I stated before.

Q. In the same conversation in which you talked with him about that clerkship, did you not try to dissuade him from opposing Senator Ingalls?—A. Only as I have stated.

Q. In the same conversation?—A. I suppose it would be understood as dissuading him from any bitter personal fight upon Senator Ingalls in the contest. I thought Dr. Hodge was too good a man to be in that kind of warfare upon Mr. Ingalls.

Q. You said that Mr. Wilson talked of resigning; that he wanted to go to the Territories?—A. Yes, sir.

Q. But did Mr. Wilson want to go?—A. Do you want me to say?

Q. Yes, sir.—A. Do you insist upon it?

Q. I should like to have you answer the questions?—A. I will. He wanted to go to Arizona.

Q. And have some Federal appointment in that Territory?—A. Yes, sir.

Q. What Federal appointment did he expect in Arizona?—A. He wanted to be surveyor-general of that Territory.

Q. The same office for which you telegraphed Senator Ingalls in favor of A. W. Callen ?—A. It is, exactly.

Q. In the same conversation in which you tried to get Dr. Hodge to withdraw his serious opposition to Senator Ingalls you suggested to him that he could have that clerkship, not as a consideration for it, but at the same time ?—A. As I stated before, the doctor claimed that he had been ill-treated, and ill-treated by my friends, and I wanted to assist him, and should have been very glad to do it.

Q. Joseph C. Wilson is still clerk of the United States district court for the district of Kansas ?—A. He is.

Q. He has not been appointed to that other position yet ?—A. No, sir.

Q. Nor has Mr. Callen ?—A. I guess not.

Q. When did you become acquainted with George W. McClintick ?—A. During the session of the legislature.

Q. Had you ever seen him before ?—A. Never in the world.

Q. You learned at that time also that he was printer or publisher of a newspaper in McPherson County ?—A. Yes, sir.

Q. Is he a young man ?—A. Yes, sir.

Q. You say that he told you, after making his complaint against Mr. Phillips, that Senator Ingalls was able to help him and he thought he ought to help him ?—A. He stated, as I said, that he was going to vote for Mr. Ingalls; that he was hard up, and that he thought Ingalls ought to try to help him; and I understood it in a temporary way, and I made the reply to him that I did.

Q. At that particular time ?—A. Right there and then.

Q. In that same order ?—A. I think so. That is my recollection now.

Q. Then you proposed it yourself ?—A. What makes me recollect—

Q. I did not ask why you recollect it. It is what you do recollect that I want. Did you propose to Mr. McClintick to loan him some money and give him some assistance ?—A. Well, I told him I would try to do it. I swear that I told him I would try to do it. I would not swear that I did not tell him I would.

Q. You knew or had understood prior to that time that he had been for Colonel Phillips ?—A. Yes, sir; I knew it.

Q. When he came to you and told you he was friendly to Ingalls and needed help, you immediately suggested to him that you thought you would help him, or try to help him ?—A. Now, I can explain to you my recollection of that conversation. When he told me he was for Ingalls and that Phillips would not do anything for anybody but those Salina land-office fellows anyway, it was right opposite the city building, and we walked clear around that block, and my recollection is that we were half-way down the other side of the block before he said anything about expenses.

Q. If he had come to you and said to you that he proposed to stand by Phillips and take his chances with those Salina land-office fellows and to oppose Ingalls to the end, would you have proposed to help him ?—A. I do not think I should. I do not think he would have made any such request of me. I never had a man come to me under such circumstances, tell me he was my enemy, and ask me for a favor. I reckon he would not get it if he did.

Q. He came next day and told you he would not vote for Ingalls ?—A. I think it was the next day. I am very sure it must have been.

Q. And that you need not get him that money ?—A. Yes.

Q. Did he say that to you ?—A. I think that was it. He said it very hurriedly and went away; said it right in the hall leading to room 17, a

the foot of the stairs going up on the second story ; he said it hurriedly and immediately departed.

Q. That gave you no opportunity to reply, of course. I see that. But I ask you this: If you had not agreed to furnish him any money, why did he come back to you and use those words, that he had concluded not to vote for Ingalls, and therefore you need not get him that money, and request you not to say anything about it?—A. You are not stating it right. You say, “and that therefore I need not get him that money.”

Q. You did not use the word “therefore” when you gave your testimony?—A. No, sir; and he did not. I say that he stated—he seemed to state it very hurriedly—that he had made up his mind that he could not leave Phillips, could not vote for Ingalls, and he did not want me to say anything about it. He said he thanked me for my kind offer, or my offer, and so it was, but that I need not get him the money—that is as near as I recollect it—or loan him the assistance. Whatever the language may have been, that was what it meant.

Q. If you had not agreed to furnish him any money, why did he come to you and say to you that you need not get him the money?—A. How can I tell.

Q. If you cannot tell, that is sufficient.—A. I do not know what influences operated upon his mind.

Q. You say that before the conversation that you had with McClintick, to witness which Buchan was called in, you heard that Pomeroy had an affidavit concerning this transaction?—A. I did.

Q. It was then of such notoriety, at all events, that Mr. Pomeroy was accredited with having obtained an affidavit upon that subject, that Mr. McClintick had received money, or had been offered money, for his vote for Ingalls?—A. I heard it three or four times; I guess half a dozen times, as I heard a thousand other infamous lying scandals about that campaign.

Q. You say that when you heard that you were mad and went immediately for McClintick?—A. I was mad, and went immediately to hunt up McClintick, and found him very readily.

Q. You got him to make a statement and called Buchan in to witness it?—A. He made it, and he told the truth when he made it; that is, the statement he made in presence of Mr. Buchan.

Q. You have given testimony concerning Mr. Hossack?—A. Yes, sir.

Q. Where were you when Hossack first proposed to borrow money of you or to tell you about Playter's debt?—A. I hardly ever forget where I was when I did anything or had any conversation. My organ of location is first rate. We were standing at the door between the Tefft House office and the billiard-room, looking at a game of billiards.

Q. You say that he told you he owed a man down in Girard, or a fellow down there, about \$250, who was trying to bulldoze him?—A. I think he called his name.

Q. And he wanted you to let him have some money?—A. Yes. He said, “Can't you help me?”

Q. And you loaned him \$200?—A. I did.

Q. You knew at that time that Mr. Hossack was for Ingalls?—A. I certainly did.

Q. If he had told you he was for any other candidate you would not have loaned him the money?—A. I would not.

Q. Not a cent of it?—A. Not a cent.

Q. You did not take his note for it?—A. I did not.

Q. Has he paid it back to you?—A. Not all of it.

Q. Why did you not take his note?—A. I did not take his note, because I did not regard his note as any additional security. It was simply a question of honor, and I thought that if Mr. Hossack was that anxious to pay that debt with that money that he borrowed of me upon a matter of honor, he would be as anxious to repay me.

Q. Did you not regard it a little significant that he should want to borrow money of you during a Senatorial contest?—A. No, sir; he told me his necessities, told me his embarrassments. I sympathized with them, and I had it in my power to assist him, and I did so. I would do so again.

Q. Did he tell you that note would not be due till February 15th?—A. He did not.

Q. Did you ask him whether it was past due or not?—A. I think not. I have no recollection of it.

Q. He told you that he owed Mr. Playter about \$250?—A. That must have been the talk; but I cannot remember names very well anyhow. A man might call a man's name half a dozen times and I might forget it. It must have been Mr. Playter.

Q. You said in your last testimony, "a fellow"; you did not pretend to give any name.—A. I say "fellow" yet, and I will go further and say he is a blackmailing scoundrel; and I say that on oath.

Q. Opinion under oath is no better than one without being under oath.—A. This not a matter of opinion with me.

Q. He told you that a fellow was bulldozing him for a debt, and he wanted you to let him have some money?—A. Yes.

Q. He did not tell you the note was not due?—A. I have no recollection about that. I think he told me it was due. My idea was that he was pressing him for this money, and he wanted to get out of his clutches.

Q. You say that before loaning him the money you consulted Senator Ping, and he told you he was poor?—A. He did, and it is a singular thing I did that. The chances are if the same thing was to be done over again I would not consult anybody, but trust to my own judgment and loan it.

Q. You say that the first time you saw Mr. Playter was at the steps of the capitol, and on Friday morning you fix it?—A. Yes, sir; that was the first time I ever saw him to my knowledge.

Q. Playter and Hossack were there together?—A. Yes, sir.

Q. This was after you had loaned Mr. Hossack the \$200?—A. Yes, sir; several days. This was Friday morning, and I think I loaned him the money Tuesday night.

Q. I did not exactly catch your every word, but I understood you to say that Hossack was anxious, that his friend was in trouble?—A. He seemed to be agitated about something. I remarked it, and never will forget it in my life.

Q. And so you stopped long enough to hear Mr. Playter's story that he told you?—A. I did. It was a very short one.

Q. And it did occur to you then that that was a peculiar time for a man to approach you on that subject.—A. It most certainly did.

Q. And so you wanted to know whether it was a political or a business transaction, and being assured it was business, you promptly said to him that if the property was as he represented you would make arrangements with the State treasurer to let it stand off?—A. Yes, sir; which I will do to day under the same circumstances. I will give to-day \$3,000 for a note of \$3,360, secured on property that will cash for \$6,000. I will do it during this investigation.

Q. That was the morning of the Senatorial election ?—A. It was.

Q. How long before the joint convention assembled ?—A. I do not believe it was half an hour.

Q. You were exceedingly anxious that Senator Ingalls should be re-elected ?—A. I was.

Q. Horton had been nominated the night before ?—A. He had been.

Q. The friends of each candidate were up in arms and at work, and had been ?—A. That is true.

Q. And yet you stopped long enough on the steps of the capitol, 30 minutes before the joint convention, because you could speculate on the difference between the accrued interest on a note for \$3,000 and the face of the note ?—A. That is your statement, is it ?

Q. I ask you if that is the fact ?—A. No, sir; it is as I stated, and not as you have stated it.

Q. Have I not stated it substantially as you did ?—A. No.

Q. What was the inducement that caused you to stop and negotiate about that note ?—A. I have told you as plainly and frankly as I can.

Q. I did not hear any inducement stated.—A. The inducement was that Mr. Hossack made the request of me then and there, and seemed to press it, that if I could assist Mr. Playter in his trouble he wanted me to do it. I said, "What is it?" He made his statement—

Q. I do not care to have you go through that story, because we understand that.—A. If you understand it, that settles it.

Q. You expected Mr. Hossack to vote for Mr. Ingalls ?—A. I certainly did.

Q. His agitation and interest in behalf of his friend Playter was not likely to change his vote for Ingalls, was it ?—A. No, sir; and that agitation did not occur to me so much, I want to say now, at that time as it did subsequently.

Q. You were acting upon things as they then appeared and not as they appeared subsequently ?—A. That is correct.

Q. This afterthought is sometimes better than forethought ?—A. That is true.

Q. You certainly expected Mr. Hossack to vote for Mr. Ingalls ?—A. Certainly.

Q. You did not expect that your assisting his friend, or refusing to assist his friend, would change Mr. Hossack's vote, did you ?—A. No, sir; I did not.

Q. If you did not, then what consideration was there, except what you could make in the way of speculation, for you to stop and negotiate about that mortgage at that time ?—A. Now let me say to you that we were right there; it did not take me two minutes, it did not take me three minutes. I thought if it pleased Mr. Hossack for me to do that, I could well afford to do it, and I told him I would. I have not been in the habit of telling a man I would do a thing and not do it.

Q. You had not told him before that you would ?—A. I did right there.

Q. But before that you had not told him anything about it ?—A. I had not heard a word about it before. I did not know he had any mortgage or note.

Q. If obligation was imposed, that had been imposed by loaning him the \$200, had it not ?—A. I thought, so far as that \$200 was concerned, that I had done Mr. Hossack an act of kindness. I never did a man an act of kindness without thinking that I placed him under obligations to me.

Q. Mr. Playter, in his story, told you that the note was for \$3,000

with interest for about fourteen months?—A. That is my recollection, that it was something over a year at twelve per cent. interest.

Q. The next day after the election Mr. Playter came to your room and wanted the matter fixed up, and you had not time?—A. No, sir; you are mistaken, he did not come to my room.

Q. That is not material; he saw you; I only want to get the order of the conversations. The next time that you saw him, Mr. Wilson said to you that it was a blackmailing scheme, and not to have anything to do with Playter?—A. He did.

Q. When was that, and where?—A. If you will tell me whether I came back Monday or Tuesday, I will tell you. It was the same day.

Q. Was it the day you returned?—A. Yes, it was the day I came from home. I think I came on the morning train; got here at six o'clock in the morning.

Q. And you say that Wilson told you that Playter had a paper from Hossack stating that you had paid him money?—A. That is what he did.

Q. Then you say after that Playter came to your room?—A. I would not be certain; I think it was that afternoon, perhaps it might have been the next day.

Q. Now I do not want to go over all your testimony as to that matter, but I wish you to state why it was that you wanted that paper put in the stove or destroyed?—A. That must be very apparent to you or to anybody else.

Q. If that paper recited a falsehood, and not the truth, did you not know that you had a complete and perfect remedy against Mr. Playter, or anybody else who should attempt to use it?—A. I never knew the man yet that was slandered and libeled who had a complete and perfect remedy. I never saw that man who was libeled but would prefer that the libel never had been perpetrated. I never had anybody accuse me of corruption and wrong but I had a heap rather he had not accused me of it.

Q. I will change my question a little, for I want an answer to it.—A. I have answered it, I hope, fully.

Q. Did you not know that if Playter undertook to use that paper against you he could be prosecuted criminally in the courts of Kansas, and punished for any crime or wrong perpetrated by him?—A. You are asking my opinion as a lawyer.

Q. I ask your answer to that question as a witness. Did you not know that?—A. I want to state that I think the fact that I asked him for that paper would exempt him from all punishment or I should have had him arrested long ago. I asked him for the paper. He did not present it to me. Under our statute, I do not think the offense was complete. If it had been, I should have prosecuted him long ago.

Q. You do not answer the question I asked.—A. I think I have answered it.

Q. I was not asking you whether you wanted to prosecute him for publishing it and exhibiting it to you. I asked you this, and I want you to answer it: Did you not then know that if Mr. Playter undertook to use that paper against you, or any other person, he was subject to prosecution under the criminal laws of this State?—A. I know this, that it is a statute of the State of Kansas that if a man presents to another a libel charging him with any offense—presents it to him of his own motion, as I understand—he is liable to punishment if he attempts to obtain money thereby. That is what I understand the law to be. I asked Mr. Playter for this paper. He had a technical defense, in

judgment. You look at the law, and you would defend him on the same proposition.

Q. Can you not answer the question I have asked you?—A. I have tried to answer.

Q. I think you have failed.—A. Then try it again.

Q. Did you not then know that if Mr. Playter undertook to use that paper to your injury, or to the injury of Joseph C. Wilson, or to the injury of Senator Ingalls, or to the injury of any other person, he by such act subjected himself to prosecution in the criminal courts of this State?—A. Generally, I might say, yes.

Q. Then, with that knowledge, why was it material before you proceeded to negotiate with him and to carry out the contract, or quasi-contract, you had, that he should destroy that paper, that you made the destruction of it a condition precedent to such performance?—A. If any man would come to me and say that a man presented a paper to him charging him with an offense, and that man dealt with him with that threat held over him, I would say, if that man came to me about it, that he was guilty or he would not have dealt with him. So you would say; so would the world. It is only common sense.

Q. The paper had an existence; it was then in being?—A. Such a paper was.

Q. Its destruction would not change the fact that it had been in existence?—A. No.

Q. Would a negotiation by you with Mr. Playter, after the destruction of the paper by him at your request, have been any better proof of guilt upon your part than a negotiation with him with that paper in existence?—A. I want to answer like anybody else, but your propositions are entirely too long.

Q. Very well. I am satisfied with that answer. You said that if it were not for your word to Mr. Francis you would not have had anything more to do with him?—A. I did, and I meant it. Now, I want to explain right there, if you will allow me—

Q. I will allow any thing.—A. I did not know that Mr. Francis had taken my word for that thing, but that if this was as I told Mr. Francis it was, I did not propose that he should labor under any embarrassment if I could prevent it.

Q. Did you regard yourself as under legal obligation to take those papers?—A. I regarded myself under as high an obligation as any man can place me under. When it was shown to me that these papers which I told John Francis should furnish the money were what I understood them to be, then I was under obligation to take them up.

Q. You testified before the house committee of investigation?—A. I did.

Q. Did you not state before that committee that you loaned no man money and gave no man money who was not working for Mr. Ingalls's success and was not one of his pronounced friends?—A. I said it, and I meant it.

Q. Do you say that now?—A. I do.

Q. You mentioned about settling up the bills. I want to ask you about the money you paid Mr. Gable. What money did you pay to Mr. Thomas P. Gable?—A. I paid him for some cigars that I bought of him.

Q. How much?—A. My recollection is it was \$253.

Q. Who bought those cigars of Mr. Gable?—A. I did, and Mr. Wilson. I do not remember who first bought cigars of Gable. He was selling them up here; he brought them up here. Gable was around our rooms a great deal.

- Q. Mr. Gable was a member of the house, was he not?—A. He was.
- Q. From one of the Leavenworth districts?—A. Yes, sir.
- Q. Is he a cigar manufacturer or dealer?—A. I understand him to be.
- Q. And you and Mr. Wilson bought cigars from him to the amount of \$253?—A. I think I bought them. The bill was presented to me and was in my name. I know I told him I would see that they were paid for.
- Q. You paid him?—A. I did.
- Q. When did you pay him?—A. I think on Friday evening—Friday afternoon some time.
- Q. After the Senatorial election?—A. Yes, sir.
- Q. How did you pay him?—A. In money.
- Q. Currency?—A. Yes, sir.
- Q. Was that the only cigar bill you paid?—A. No, sir.
- Q. Whom else did you pay cigars bills to?—A. Peter Miller.
- Q. He was a cigar dealer in this city?—A. Yes, sir.
- Q. How much did you pay him?—A. I drew a draft on Mr. Ingalls for \$213.
- Q. That made \$466 for cigars?—A. Yes, sir.
- Q. You have before you there, I think, the book of the Tefft House?—A. Yes, sir.
- Q. I have a copy of page 3 here.—A. I will turn to it. (Examining.)
- Q. That purports to be a ledger account between the Tefft House and yourself?—A. It purports to be some kind of an account.
- Q. Were you personally present when those footings were made and the balance struck?—A. No, sir.
- Q. Did you look that bill over with either the proprietors of the Tefft House or any one of their clerks?—A. I can tell you this: On Saturday noon, after dinner, I told them to make out my bill, and they went to work and brought me a bill. I do not know but they made it out earlier, but I did not see it until about that time. They presented me the bill. I looked at it and I thought it was wrong; I saw some things about it that I knew were wrong, and I said the bill was not right, and I had no time then to stop and correct the account nor go over the bill, but handed to Mr. Hartzell, I think, \$100, and said, "Here, take this, and when I come down next week I will give you a draft which you can get cashed at the bank," and told Mr. Ingalls to take his money and I would draw on him for the amount.
- Q. On the debit side of that account I wish to call your attention to a few items. Under date of 23d of January there is the name of Bradish written there?—A. That is it.
- Q. The next name is Wells?—A. Charley Wells.
- Q. The next is Bradish?—A. Bradish.
- Q. Were these men friends of Mr. Ingalls?—A. They were.
- Q. The next bill, under date of 30th of January, is "A. C. Dawes, \$31.75"?—A. Yes, sir.
- Q. Is that the Col. A. C. Dawes who testified here yesterday as a witness?—A. That is the gentleman. He left here Thursday, during the Senatorial contest, to my certain knowledge.
- Q. The next is Wells. Is that the same gentleman?—A. Charles K. Wells, of Atchison.
- Q. Who is he?—A. A mighty fine gentleman. He lives in Atchison.
- Q. The next is "Griffin, 5½ days." Who is that?—A. I do not know.
- A. Was that the Senator from Bourbon County?—A. No, sir; it was not.
- Q. The next is "Rankin, 5½ days." Is that John R. Rankin?—A. I do not understand it to be.

Q. Who was it, then? A. William Rankin. That is my recollection of it.

Q. The next is "Love." Who was that?—A. I do not remember.

Q. Frank Love, of Marshall County?—A. It may have been.

Q. Or Alexander Love, of Lawrence?—A. I cannot tell you.

Q. Next, "Stephens, \$21.75"?—A. Stephens, editor of a newspaper at Lawrence, the Spirit, I think it is called.

Q. Under date of February 1, "B. M. Howe." Who is that?—A. I do not know.

Q. Twenty-seven dollars included in your account?—A. Yes.

Q. The next item I should like to call your attention to specially, "Collins, Shaddock, McKinstry, Raff, and Whitlaw, \$139.20," with nine days marked above Whitlaw's name. Who were here that are included in that bill, if any one, besides the five persons named?—A. I do not know. I want to be perfectly frank with you and do not want to conceal anything from you. I want to tell you all I know about that matter. I do not know anything about that. That was one of the items I objected to, but I afterwards learned that it was all right.

Q. You paid it?—A. I did if it is in the bill of \$811.10. I paid that much.

Q. The only deductions in the credits you will find is in regard to rooms 17 and 19?—A. Yes; on the overcharge 17 and 19, \$60.

Q. Is it not the fact that a large number of persons from different parts of the State were here at the Telft House, and that their bills during the Senatorial contest, ranging from one, two, or three days to a week, were included in some of these bills and paid by you?—A. There were a great many gentlemen here from all over the State. My understanding is that they paid their own bills as a rule.

The CHAIRMAN. I desire to call attention to the fact that a gentleman who was referred to in the testimony of Mr. Merritt, a member of the legislature, has come to me and asked the privilege of going on the stand, to explain some statement made in reference to him personally by Mr. Merritt. His name is Clapp, I believe. Is it perfectly agreeable to counsel on both sides that he shall be called? I understand the explanation will be very brief.

Mr. EVEREST. It is for the committee, not for counsel. I do not know what the statement is; of course I have no knowledge of it. If it needs any contradiction, of course we shall want to call witnesses to contradict it if it affects Mr. Ingalls in any respect.

The CHAIRMAN. I understand from him that it is a matter that affected him personally. He wanted to make some explanation of it.

Mr. EVEREST. I have no objection to his making an explanation if we have an opportunity to meet it, if it should be necessary to do so.

DEXTER E. CLAPP sworn and examined.

By the CHAIRMAN:

Question. Make your statement now, as briefly as possible.—Answer. I wish to make a correction as to certain points in the statement of the last witness on the stand.

Q. Confine it to the questions that affect you personally.—A. Mr. Merritt stated with reference to a conversation which I had with him before the commencement of the session of the legislature, a day or two days before—a day before, I think—with reference to my position as to the candidates for the United States Senate—he said that I stated to him unequivocally that I was in favor of Mr. Ingalls, and wished to defeat Mr. Anthony. That was the substance of it, very strongly stated.

I did state to Mr. Merritt that I was in favor and thought that I should vote or intended to vote for Mr. Ingalls, but not by any means in the strong manner that it was put by Mr. Merritt; he saying that I said to him that he need not look after me. I am not in the habit of using that expression with reference to myself.

The facts were, simply, that my people whom I represented were divided in their wishes. Some of my warm friends were very warm supporters of Mr. Anthony; some of them equally warm supporters of Mr. Ingalls. As near as I could tell, there was something like an equal division among them. I had no old prejudice or friendship to gratify. I listened to a speech of Mr. Ingalls, being a new man in the State, at our fair a year ago and was very much pleased with it. Representations had been made to him—in fact I had heard a speech of Mr. Anthony at Iola, in which I understood him to say that he thought the greenbacks ought to be retired and national bank notes substituted. I objected to that. About this time I received a pleasant letter from Mr. Ingalls and replied to it, and under the influence of that, although, when called upon in the convention where I was nominated, I had declined to name the candidate that I would vote for, but said that I would vote for one who best represented, in my judgment, the platform adopted at the State convention last fall, while my opponent announced that he would vote for Mr. Ingalls. In reply to the letter received from Mr. Ingalls, I wrote to him, under the influence of what was said by Mr. Anthony, that I hoped I should vote for him or expected to vote for him, words more or less to that effect, not a positive promise as was represented by Mr. Merritt, and when I came up here I came with the opinion in my own mind of voting for Mr. Ingalls, but without any positive promise to any one, and I continued in that mind. Mr. Anthony, through Senator Finney of my county, learned my position, and I had an interview with Mr. Anthony, and he told me that I was entirely mistaken, and in a measure satisfied me with reference to his position on the point of which I spoke. In speaking with Mr. Merritt with reference to the introduction of resolutions on finance, I think Mr. Merritt will recollect that I referred to something reaffirming the platform adopted at our State convention on that subject. I continued in that mind, weighing somewhat between the two men, pressed very much by friends of both parties, very earnestly thinking it over until about the time or just before the time of the first caucus, on which a gentleman boarding with me, Mr. Congdon, made a statement to me, a gentleman on whom I had every reason to rely.

The CHAIRMAN. I suppose that places you right now?

Mr. EVEREST. I suppose he was only called to give his explanation in reference to Mr. Merritt?

The CHAIRMAN. So I understood.

The WITNESS. I am not particular to give the reason of my change of opinion.

Mr. EVEREST. It is not designed that we shall cross-examine the witness. I do not care to do so.

JOSEPH C. WILSON, a witness called by the respondent, sworn and examined.

By Mr. EVEREST:

Question. You reside in Topeka?—Answer. Yes, sir.

Q. Did you reside here during the Senatorial contest?—A. I did.

Q. Give such statement as you have personal knowledge of connected with what is known as the paper signed by J. A. Hossack, member of

the legislature from Crawford County.—A. The first thing I ever heard in relation to that paper, a copy of which has been exhibited here, was on the morning of Friday, before the last ballot for United States Senator. I was up near Mr. Ingalls's room in the Tefft House, and some one, I have forgotten who, came to me and said that Mr. Ingalls wanted to see me immediately. I went into his back room, the room off the parlor. Mr. Ingalls came to the door as I entered and said that a fellow by the name of Playter had just been in there with a blackmailing document and tried to blackmail him out of \$8,000, or something to that effect. He said, "Will you not go and see about it; see what it means; see what there is to it." I started out right away and inquired for Mr. Playter, whom I had only met a day or two before and been introduced to. I found him in the hall, I think, and I told him I wanted to see him at once. He said, "All right; come up to the room." We started up to his room, I have forgotten the number, and went in there, and I said to him, "Did you present a paper to Mr. Ingalls a few moments ago?" He said, "I did; I have the paper here." I said, "Will you let me see it?" He handed to me the paper that has been referred to. I read it over and I became very angry at once, I presume, and used very violent language towards him, called him a blackmailing scoundrel, and used a little more abusive term than that, probably. I asked him what he intended to do with it. He said it was simply a matter of business with him. I told him, "You presented it to Mr. Ingalls simply for blackmailing purposes and nothing else." He made some reply, I do not know what, and said it was merely a matter of business. After a few more words I left him.

Q. State what you know about James S. Merritt loaning \$200 to Mr. Hossack.—A. I know nothing about the preliminaries of that matter at all. I recollect being in room 21 at some time before the Senatorial election came off, I do not recollect the day, and was sitting on one of the beds. There were two beds in the room; and Mr. Merritt was there, Mr. Hossack was there, and I think Mr. Hallowell was there on one of the beds, I do not recollect which, and there were several others in the room at the time. The door of the room was open. I heard Mr. Hossack and Mr. Merritt talking together, and I paid no attention to anything they said until I heard Mr. Merritt say, "I will loan you the money, the \$200 we have talked about," or something to that effect, and he gave him some money, I do not know how much. That is all I know about it.

Q. State whether there were other persons in the room at that time.—A. There were.

Q. Was the door open?—A. Yes, sir; to my recollection, it was.

Q. There has been some evidence given here from the bank-books of the Topeka Bank relative to a check of \$878.25, drawn by you. Will you explain that matter to the committee?—A. Yes, sir.

Q. Have you the check with you and the papers connected therewith?—A. I have.

Q. Produce them.—A. Here they are (producing papers).

Q. State now, to the committee, briefly, what that matter was.—A. Judge Foster, the judge of the court of which I am clerk, purchased some lots here of Mr. J. O. Collins, formerly clerk for the State treasurer, who now resides in Olatha. The price he was to pay was \$900. Judge Foster at that time did not reside here; resided in Atchison. He came over here, and pending the negotiations, after the bargain had been concluded and before the title was perfected, he came over here; Mr. Collins was here, and there were some matters that the judge

wanted to have examined in the probate court of Douglas County in reference to some matters connected with some former owner of the lots, I think. He handed me a check payable to my order, drawn by himself on the First National Bank of Atchison, which I took and deposited in the Topeka Bank, where I do business, and Judge Foster went home. When I heard from him that the title was all right I drew my check for \$878.25, bought a draft with that, and sent it to Mr. Collins.

Q. State if that draft was drawn for the consideration money for the conveyance of those lots?—A. It was.

Q. Had that anything whatever to do with the Senatorial matter?—A. Not to my knowledge. The balance of \$900, it will be seen, is in the tax-receipt accompanying the check.

Q. (Examining papers.) Is this the check?—A. It is the check, dated January 18th, the same date that I filed the deed from Mr. Collins to Mr. Foster.

Q. Was there anything due on the tax matter also?—A. Yes, sir.

Q. Do you know General Bull, the member of the legislature from Osborne County?—A. Yes, sir; I know him.

Q. Did you meet him in the rooms of Senator Ingalls the night previous to the last ballot for United States Senator?—A. I did.

Q. Did you hear him say anything there regarding his vote for United States Senator? If so, state what it was.—A. I did. I heard him tell Mr. Ingalls there in that room that he expected to vote for him the next day for United States Senator. That was at the time the anti-Ingalls caucus was in session, I think.

Q. Did you hear anything with reference to the vote of H. T. Anderson, member of the legislature from Ellsworth County? If so, state what you know about that.—A. I know nothing about his vote preceding the election, only that we all considered him an Ingalls man.

Q. State what you know, if anything, about any sum of money being exhibited by him the morning of the election, and any statements made with regard thereto.—A. No; I did not see any money exhibited by him the morning of the election. I saw a package which he said contained \$500, which he had in his boot-leg. I saw him take it out of his boot-leg in a room in the Tefft House after the election, and state that he got it to vote for Horton.

Q. Was it done up?—A. Yes, sir.

Q. With a band around it?—A. Yes, sir.

Q. What was on the band?—A. I do not remember what was on the band—an ordinary band.

Q. Give your statement with regard to the matter of the clerkship of the district court and Dr. Hodge, if you wish.—A. My recollection in regard to that matter is that it was all done simply at the urgent solicitation of Mr. Merritt. He came to me and talked to me about it several times. I told him that I did not think it was worth while bothering with Dr. Hodge. He was a very bitter opponent of Mr. Ingalls, as he had been put out of the land office. He insisted that as I had told him (Mr. Merritt) before that I had some intention of resigning that position, for me to get some statement to exhibit to Dr. Hodge showing him or telling him that if I did resign I would be friendly to him and help him to secure the appointment. I wrote out a little statement myself and took it to Judge Foster; told him he would oblige me by signing it. He looked at it a minute and signed it. It was simply to the effect, addressed to me that if I did resign my position as clerk, as I had talked of doing, he would consult my

wishes in the selection of my successor. That was the substance of it. I have no recollection as to the exact language now, because I did not pay any attention to it afterwards. The only time, I think, I ever talked to Dr. Hodge I took that to him, and said to him some time before the last ballot—I have forgotten when—that Mr. Merritt, I presumed, had been talking to him about the clerkship, and that I expected to resign. He said yes, he had had several conversations with Mr. Merritt in regard to the matter. I handed him that statement and told him to look that over. He took it and glanced at it a minute, and I went on to explain the substance of it. I do not think he read it at all or had it in his hand more than a moment. I said to him, "I think of resigning; I do not know that I shall, but I think of doing so, and if I do and you are an applicant for the place I will support you." The name of Dr. Hodge was not mentioned in that statement at all.

No cross-examination.

The CHAIRMAN. Is the man Brown who was reported yesterday to be here to-day here?

The name of E. H. Brown was called without response.

The CHAIRMAN. Are there any other witnesses to be examined?

Mr. RIGGS. We have none here. We have witnesses subpoenaed, but they are not here.

E. B. PURCELL was called three times without response.

The CHAIRMAN (to the counsel for the memorialists). Do you expect any witnesses? The committee will remain in session an hour longer, if you think there is any chance of getting the witness Brown.

Mr. RIGGS. I have not the slightest knowledge whether we can get him or not.

Mr. WEBB. We ask that Mr. Brown be called, and notice of his default entered on the minutes.

Mr. FENLON. We wish to know whether the case is to be reopened at Washington.

The CHAIRMAN. It will be the duty of this committee to report to the full committee the testimony it has taken, accompanying that with the further statement that A, B, C, D, &c., the witnesses who have failed to respond, have not responded to the subpoenas, and are in contempt of the committee. It will then remain for the general committee to bring that matter to the attention of the Senate. I do not hesitate to say, in reference to some of these witnesses, that I shall feel it my duty to insist upon the attachment of the Senate issuing to bring them to Washington. What my brethren of the general committee, or of the subcommittee, may think I do not know. The subcommittee has no power to issue process of attachment nor has the general committee, but the Senate of the United States has. I have not known the Senate, I believe, to fail to issue process of attachment when one of its standing committees has reported that any witness summoned before it was in contempt.

E. H. Brown was called three times without response.

The CHAIRMAN. Are there any witnesses on the part of the respondent in contempt?

Mr. EVEREST. Mr. E. B. Purcell was summoned as a witness for the respondent.

The CHAIRMAN. He was also summoned on motion of the committee itself. Are there any other witnesses on either side in contempt, of which fact it is desired that notice shall be taken? If not, I request counsel, upon their responsibility as counsel, to make a full and detailed

statement as to what facts they proposed or expected to prove by the parties who are in contempt if they were examined as witnesses, and that they furnish to this committee on or before the first day of December next that statement, so that it may be laid before the general committee, in order that they may judge as to the necessity of calling those witnesses.

Is there any further matter or thing that it is desired we shall take notice of? Have counsel anything else to bring before the committee? Mr. RIGGS. I think I have about emptied myself.

Senator BAILEY. I move that the committee adjourn, to meet in Washington on the Thursday after the first Monday in December.

The motion was agreed to, and the committee adjourned.

WASHINGTON, December 13, 1879.

The committee, at a meeting held this day, ordered the following papers, received from Kansas, to be appended to the testimony:

STATE OF KANSAS,
SUPREME COURT,
Topeka, December 1, 1879.

Hon. ELI SAULSBURY,
Chairman, &c., Washington, D. C.:

During the investigation before your committee here in October last, a witness testified that ex-Senator Pomeroy loaned me money about the time of the caucus nomination of myself, as a candidate for United States Senate. The object of the testimony was evidently to create the impression that the money was used in my interest in the Senatorial contest then pending. The story was so silly, in view of the pecuniary condition of Mr. Pomeroy at that time, that but for fear you and your associates were unacquainted with Mr. Pomeroy's financial *status*, I would not have deemed it necessary to deny it. After my statement to you of its untruth, towards the close of your investigation here, the statement was again repeated. I must presume, therefore, that there is a deliberate purpose to impose upon you as true that Mr. Pomeroy made me a loan. In addition to my previous testimony upon this point, I now inclose you a letter from Mr. Pomeroy of the date of October, 16th ultimo, denying the statement; also, his affidavit of the same date to the like effect. In addition, I send you the official statement of the district clerk of Atchison County, duly certified by the district judge of that county, under the date of November 25th ultimo, that for upwards of five years Mr. Pomeroy has been indebted to me in a large sum, which has been placed in judgment, and which I have been unable to collect. If I could not collect my own claims from Mr. Pomeroy, it is not very probable that he was in a condition to loan me money, or that, under the circumstances, he would do so, if able.

One word more. After Senator Guthrie, of Atchison, had testified, a personal letter from me to Mr. Ingalls was produced in evidence, without my consent, and even without the courtesy of permitting an explanation from me. The purpose, I suppose, was to lead to the belief that the statements therein were not all truthful. This was based upon the supposition, that as Senator Guthrie had said I paid him \$30 on April 1, 1879, at the date of his letter to Washington, my letter to the contrary was incorrect. When my attention was directed to this matter, I knew, at once, that Senator Guthrie was mistaken as to dates, as I did not pay Mr. Guthrie, or make any contribution till May 1, 1879. I now take pleasure in sending you a letter from Mr. Guthrie corroborative of my own statement. All written in my letter of April 25 was accurately correct. It would have been unnecessary for me to have written the last few words, if my attention had been called to this letter when giving my testimony. In justice to me, the letter ought to have been exhibited when I was called to testify.

I trust I am not asking too much in requesting this letter and the papers inclosed to be placed in the record of investigation, and if that is printed, to have these matters printed also. I make this application to you, hoping that you will present the papers to the committee at your next meeting. I am not a party to the proceedings pending before you, nor can I be represented by counsel or otherwise; yet, as others have seen fit to present evidence in the case tending to affect me, it is only fair that my papers herewith sent should be received and considered.

Of course, if you prefer the oral testimony of the parties herein named, they are perfectly willing to answer any call upon them. I will be greatly pleased to have you acknowledge the receipt of this.

Respectfully, yours, &c.,

ALBERT H. HORTON.

WASHINGTON, D. C., October 16, 1879.

Judge HORTON :

DEAR SIR: Your letter came duly to hand this a. m., and I at once hastened to make the "affidavit," and herewith inclose you same. I had seen Aldrich's statement, but did not know as John M. Price had so sworn. I can't see how he could. Aldrich I don't know well enough to know what he might do.

But Price knew I had no such sum, and his clerk (Smith) was with me as my clerk all the time, and knew I did not and could not have loaned you such a sum. If this statement is not broad and full enough I will make it so.

I had addressed a letter to one member of the committee as soon as I saw Aldrich's testimony, that I wanted an opportunity to contradict it, as there was no truth in it. And I now suppose the committee will take further testimony here in Washington, as Thomas, myself, and several others expect to be examined.

With the highest esteem, I am, yours truly,

S. C. POMEROY.

Hon. S. C. Pomeroy, of Atchison County, Kansas, and of lawful age, being first by me duly sworn, deposeth and says:

That his attention has been called to the testimony of C. J. Aldrich and others, as reported in the Commonwealth, a daily paper published at Topeka, Kan., by which report of the testimony therein published this deponent is represented as saying that he had loaned to A. H. Horton, a candidate for the election of Senator of the United States, during the canvass of January, 1879, at Topeka, the sum of *six thousand dollars*.

This deponent, on his oath, states that such a statement is entirely untrue, in whole or in part, and that he did not loan Judge Horton that sum or any other sum, and did not pay him money of *any amount* while the Senatorial canvass was progressing, or before it, or since, and knows of no transaction by which any such statement could be even inferred.

And further this deponent says not.

S. C. POMEROY.

WASHINGTON, D. C., October 16, 1879.

DISTRICT OF COLUMBIA,
City and County of Washington, ss:

Samuel C. Pomeroy, of Kansas, appeared personally before me, a notary public in and for said city and county, on this 16th day of October, 1879, and being by me duly sworn, subscribed and attested to the foregoing statement, that the same was true according to his best knowledge and belief.

[SEAL.]

N. CALLAN,
Notary Public.

In the district court, Atchison County, State of Kansas.

ALBERT H. HORTON, plaintiff, vs. SAMUEL C. POMEROY, defendant.

STATE OF KANSAS,
Atchison County, ss:

I, W. W. Church, clerk of the said district court of Atchison County, in the State of Kansas, do hereby certify that at the June term of said court, for 1874, and on the 29th day of June, 1874, the said Albert H. Horton, duly recovered of and from Samuel C. Pomeroy, in an action of debt, the full sum of eight thousand four hundred and eighty-two dollars, (\$8,482.00) and the sum of \$110 costs, as fully appears from the records of the said court. I further certify that the only credit or payment made thereon was made prior to the year 1875, and that there is still due and unpaid on said

judgment from the said Samuel C. Pomeroy to Albert H. Horton the sum of seven thousand four hundred and eighty-two dollars (\$7,482) debt, and \$152.25 costs, and that various executions have been issued out of said court to collect the said judgment and costs, without success, and said judgment is still unsatisfied of record.

Given under my hand and the seal of the district court of Atchison County, of the State of Kansas, this 25th day of November, A. D. 1879.

[SEAL.]

W. W. CHURCH,
*Clerk of the District Court of
Atchison County, Kansas.*

STATE OF KANSAS,
County of Atchison, ss:

I, A. G. Otis, district judge of the State of Kansas, in and for the 2d judicial district, composed of the counties of Atchison, Doniphan, Brown, and Nemaha, hereby certify that the above and foregoing signature is true and genuine, and said W. W. Church is now and was at the date of his attestation the duly qualified and acting clerk of said district of Atchison County. Given under my hand this 25th day of November, A. D. 1879.

ALFRED G. OTIS,
District Judge.

OFFICE OF W. W. GUTHRIE, ATTORNEY-AT-LAW,
Atchison, Kansas, November 30th, 1879.

HON. SIR: In answer to your inquiry as to the date you handed me the \$30 for contribution to Col. Stumbaugh, I have to inform you that I made no entry of it, or of the contribution, nor kept any other date, nor gave a thought to the matter again until my attention was called to it in testifying before the Senatorial committee at Topeka; but I am certain that I had not advised you of my action until the day you gave me the money, and which was when up here arranging to move to Topeka, and must have been about May 1st; it was after work commenced on my house, and that contract was signed April 14th, 1879.

Resp'tly,
W. W. GUTHRIE.

Hon. A. H. HORTON.

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APPENDIX.

I.

The following is the paper filed by the counsel for the memorialists, September 24, 1879, and mentioned and referred to on page 22 of the foregoing testimony :

Hon. ELI SAULSBURY,
*Chairman Sub-committee of Committee on
Privileges and Elections, United States Senate.*

SIR: We have the honor in compliance with the order of your committee heretofore made to state that it is not our intention to offer evidence tending to impeach the integrity of the vote cast for John J. Ingalls at the Senatorial election held January 31, 1879, by any one of the following-named members of the senate and house of representatives of the State of Kansas, viz :

SENATORS.

S. S. Benedict.	J. P. Harris.	A. J. Pyburn.
T. B. Carpenter.	W. A. Johnston.	Charles Robinson.
D. Grass.	L. K. Kirk.	H. C. Sluss.
H. M. Greene.	A. Matthewson.	T. T. Taylor.
W. E. Griffin.	T. B. Murdock.	C. A. Woodworth, jr.
Geo. F. Hamlin.	P. I. B. Ping.	

MEMBERS OF THE HOUSE.

W. A. Albin.	L. J. McCrumb.	C. J. Corbin.
T. J. Anderson.	James Robb.	D. H. Danhaur.
W. R. Biddle.	J. P. Rood.	J. S. Gillespie.
S. S. Boggs.	Arch. Shaw.	Clark R. Godfrey.
L. W. Breyfogle.	J. A. Towle.	E. M. Hewius.
G. L. Brinkman.	E. Walker.	Thos. M. James (Shawnee).
C. J. Brown.	W. H. Wilson (Jackson).	F. H. Kollock.
J. J. Calvin.	R. M. Wright.	M. R. Leonard.
Joseph Cool.	T. P. Anderson.	J. J. Myers.
R. H. Cunningham.	H. Berry.	John Seaton.
J. G. Eckels.	H. C. Blanchard.	E. G. Stitt.
John S. Gilmore.	Sol. Bower.	S. M. Tucker.
Williams Hankins.	L. M. Briggs.	D. H. Waite (Pawnee).
T. J. Humes.	D. M. Bronson.	J. E. Willey.
J. H. Keller.	J. B. Bruner.	M. L. Wilson (Nemaha).
J. H. Lawson.	A. B. Clark.	Joseph Donahue.
E. C. Manning.		

Respectfully yours, &c.,

W. C. WEBB,
SAM. A. RIGGS,
L. F. EGGERS,
F. S. STUMBAUGH,
Attorneys for Memorialists.

SEPTEMBER 24, 1879.

II.

The following is the paper filed by the counsel for the memorialists September 27, 1879, and mentioned and referred to on page 107 of the foregoing testimony :

Hon. ELI SAULSBURY,

*Chairman Committee on Privileges and Elections,
United States Senate, and Chairman Sub-committee sitting at Topeka ;*

SIR: In the further compliance with the order of your honorable committee heretofore made, we have the honor to state that it is not our intention to offer any evidence affecting the integrity of the votes of the following-named senators and members of the house of representatives of the Kansas legislature who voted for Hon. John J. Ingalls, viz :

SENATORS.

William J. Buchan, Wyandotte County.
L. E. Finch, Osage City, Osage County.
D. C. Metsker, Topeka, Shawnee County.

MEMBERS OF THE HOUSE OF REPRESENTATIVES.

W. D. Alexander, Topeka, Shawnee County.
R. D. Hartshorne, Thayer, Neosho County.
W. W. Smith, Waterville, Marshall County.
W. J. Smith, Redfield, Bourbon County.
John J. Stewart, Mill Creek, Bourbon County.

F. S. STUMBAUGH,
L. F. EGGERS,
S. A. RIGGS,
Attorneys for Memorialists,

III.

The following is the paper filed by the counsel for the memorialists September 27, 1879, and mentioned and referred to on page 110 of the foregoing testimony :

Hon. ELI SAULSBURY,

*Chairman Committee on Privileges and Elections,
United States Senate, and of sub-committee, now sitting at Topeka :*

SIR: We have the honor to state that we hereby withdraw the charges contained in specifications No. 2, 7, and 8, of the additional or supplementary memorial filed in the United States Senate April 23, 1879, so far as they affect the integrity of the votes for Hon. John J. Ingalls by Hon. D. E. Ballard, of Washington County, Hon. George S. Bishop, of Jewell County, and Hon. John A. Blackman, of Leavenworth County, in the State of Kansas, for the reason that the facts pertaining to said charges or specifications, so far as we have been able to examine the same, do not sustain the charges above referred to, which were made upon information furnished at the time of the preparation and presentation of said memorial to the United States Senate.

All of which is respectfully submitted.

SAM'L A. RIGGS,
L. F. EGGERS,
F. S. STUMBAUGH,
Attorneys for Memorialists.

IV.

The following is the paper filed by the counsel for the memorialists, October 3, 1879, and mentioned and referred to on page 379 of the foregoing testimony :

Hon. ELI SAULSBURY,
*Chairman Committee on Privileges and Elections,
and Chairman Sub-committee, sitting at Topeka:*

SIR: In pursuance of the order of your honorable committee heretofore made, we have the honor to inform the committee that after an examination of the facts bearing upon certain specific charges contained in additional memorial filed April 23d, 1879, we will offer no evidence on the following specifications, to wit:

Specification third, touching the vote of the Hon. L. P. Hamilton.

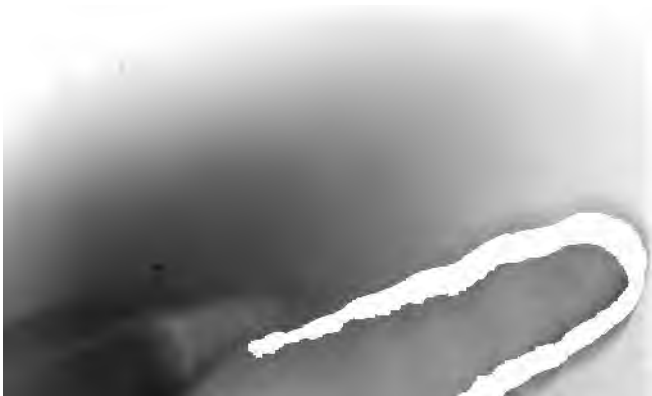
Specification fifth, touching the vote of Hon. L. E. James.

And specification six, touching the vote of Hon. G. W. Greever.

And they are therefore withdrawn.

F. S. STUMBAUGH.
L. F. EGGERS.

C



TESTIMONY IN WASHINGTON
BEFORE THE
COMMITTEE ON PRIVILEGES AND ELECTIONS,
UNITED STATES SENATE,
IN REGARD TO CHARGES AFFECTING THE ELECTION OF JOHN J. INGALLS

TESTIMONY.

WASHINGTON, December 15, 1879.

The committee met pursuant to call.

Present, the Chairman, and Senators Hill, Bailey, Vance, Cameron, Hoar, and Logan.

EUGENE L. SMITH, a witness called by the memorialists, to whom a subpoena *duces tecum* had been issued, appeared with John L. Thompson, esq., of Chicago, counsel for the Western Union Telegraph Company.

The committee, after consideration, announced through the chairman the following modification of the original subpoena *duces tecum*.

The committee will not require of the witness the production of any telegrams or copies of telegrams which were not received or sent between the first day of January, 1879, and the first day of March, 1879; nor will they require the production of records, memoranda, books, and papers, showing the number and date of all telegrams sent from Topeka, in the State of Kansas, between the first day of January, 1879, and the 25th day of June, 1879. But they will require the production of the telegrams sent to and received by the parties named in the subpoena between the first day of January, 1879, and the first day of March, 1879.

EUGENE L. SMITH, sworn and examined :

By the CHAIRMAN :

Question. You are the manager of the Western Union Telegraph at the city of Topeka, in Kansas ?—Answer. Yes, sir ; I am.

Q. Were you such manager between the first day of January, 1879, and the first day of March, 1879 ?—A. I was.

Q. Have you in your possession the telegrams that were sent to and received at that office during that period ?—A. I have.

Q. Will you produce all telegrams or copies of telegrams received at Topeka, Emporia, Atchison, and Wamego, in the State of Kansas, and at Kansas City in the State of Missouri, from January 1, 1879, to March 1, 1879, sent to or received by Calvin Hood, J. S. Danford, Joseph C. Wilson, James S. Merritt, David Auld, George R. Peck, John J. Ingalls, J. R. Hallowell, C. G. Foster, W. F. Downs, Henry King, Byron Roberts, A. C. Dawes, and H. M. Holden, including telegrams in cipher, received at Topeka and Emporia during the same period, and all copies and originals of telegrams received at Washington, District of Columbia, during the said period, and directed to P. B. Plumb, John J. Ingalls, and Charles A. Morris ?—A. In reply to that question, Mr. Chairman, I desire to submit the following return to your subpoena :

Hon. ELI SAULSBURY,

Chairman of the Committee on Privileges and Elections
of the Senate of the United States :

SIR: In obedience to the command of the subpoena issued by the committee of which you are the chairman, requiring me, as manager of the Western Union Telegraph Company, to appear before such committee as a witness at their rooms in the Capitol at

Washington, and to produce before said committee all original telegrams, and copies of telegrams, received at Topeka, Emporia, Atchison, and Wamego, in the State of Kansas, and at Kansas City, in the State of Missouri, from January 1, 1879, to March 1, 1879, sent or received by Calvin Hood, J. S. Danford, Joseph C. Wilson, James S. Merritt, David Auld, J. R. Peck, John J. Ingalls, J. R. Hallowell, C. G. Foster, W. F. Downs, Henry King, Byron Roberts, A. C. Dawes, and H. M. Holden, including telegrams received in cipher at Topeka and Emporia, during said period, and all copies and originals of telegrams received at Washington, D. C., during said period, directed to P. B. Plumb, John J. Ingalls, and Charles A. Morris, I respectfully return and answer: First, as to the dispatches sent and received by Hon. John J. Ingalls, Senator of the United States, called for by the subpoena, copies of all such dispatches have been furnished Senator Ingalls, and at his request and by his direction, as well as in obedience to the command of the subpoena, they are now laid before the committee. The originals of these dispatches are now in my possession, subject to the call of the committee for the purpose of verification or otherwise.

Second. As to the dispatches sent and received by the other persons named in the subpoena, the telegraph company has not received their consent to the production. And I respectfully request that I may be relieved by the committee from the order to produce them, basing the request upon the hope that the dispatches already produced will relieve the committee from the necessity of further investigation, and also upon the very general and indefinite character of the subpoena. To comply literally with the subpoena would involve the exposure of a very large part of the telegraphic correspondence of the persons named therein for a period of two months, and would almost inevitably bring to light correspondence of the most sacred and confidential nature, and which could have no bearing upon the matter under investigation by the committee, and I respectfully suggest that a literal construction of the subpoena exposes it to the criticism that it involves an unreasonable search and seizure of private papers. I therefore respectfully urge that the matter may be reconsidered by the committee and that I may be relieved from further attendance.

E. L. SMITH.

WASHINGTON, D. C., December 15, 1879.

Here is a letter that I have received from Senator Ingalls, or rather from his counsel representing him:

UNITED STATES SENATE CHAMBER,
Washington, December 15, 1879.

To the Western Union Telegraph Company:

Referring to the *subpoena duces tecum* directed to and served upon N. Green, president, and E. L. Smith, manager of your company, issued in the matter of the investigation of certain charges affecting the election of John J. Ingalls, United States Senator from Kansas, now pending before the Committee on Privileges and Elections, I hereby renew my former request, made verbally and by wire, that you will produce in obedience to said subpoena all dispatches therein called for received or sent by me during the period covered by the subpoena.

AARON S. EVEREST,
Attorney for Respondent.

I return only dispatches sent to and from the office at Topeka, Kans., over which alone I am manager.

Q. Have you control of the other points named and of messages sent from and received at the other points named in the subpoena?—A. No, sir; I have not. My return only relates to dispatches to and from Topeka, Kans.

Q. You have no control or authority then, I understand you to say, over the dispatches sent and received at the other points named in the subpoena?—A. No, sir; I have not.

Q. You cannot therefore produce them before the committee, as I understand you?—A. No, sir; I cannot.

Q. Do you decline to produce the telegrams sent to and received at Topeka from the other persons named in the subpoena?—A. I can only answer in the words of my return.

Senator HOAR. Mr. Chairman, the witness suggests a reason, founded on a view of Constitutional right and public policy, why he prays the committee to consider the question whether they will insist upon his

further answer. I submit therefore that before the peremptory question is put to him whether he declines, the committee should communicate to him whatever opinion they may form in regard to his request. Perhaps he may like to be heard upon that point, or he may have something further to say about it.

The CHAIRMAN. After consultation the committee modified the subpoena and determined to require the production of the telegrams and copies of telegrams embraced within the period between the first of January and the first of March, 1879. That was the deliberate conclusion of this committee after consultation this morning; and a compliance, so far as the witness is concerned, with that order of the committee, will be insisted upon.

Senator HILL. Mr. Chairman, I wish to remark, right here, that the witness by his answer has brought very sharply to the attention of this committee a question which has been very slightly discussed and which deserves very serious consideration. The subpoena, as now modified, requires him to produce all telegrams to and from this point sent or received by the parties named, without any limitation whatever as to the subjects to which the telegrams relate. The witness says that the production of all these telegrams would be the seizure of private correspondence in relation to the private business of these parties which can have no relation to the matter in controversy before the committee.

The CHAIRMAN. Perhaps we had better have some consultation about it.

Senator HILL. I was going to say this: He requests that the committee before requiring further answer from him (for he does not absolutely decline answering entirely), consider this point that he makes, I think it entirely proper that we should proceed to consider the question before insisting peremptorily upon an answer.

The CHAIRMAN. The committee will ask persons in attendance to retire, and the committee will consult upon the question.

Senator HOAR. Mr. Chairman, before that is done, I should like to make a suggestion. This is a question of a good deal of interest to this company, as representing the public, and of great interest to the public. The witness is attended by Colonel Thompson, who is a very eminent counsel in Chicago, and Colonel Thompson informs me that it will be agreeable to him, if it be deemed proper, to be heard by the committee before they finally determine the question. I suggest that that too be considered.

The CHAIRMAN. We will consider that in our consultation.

Mr. THOMPSON. I am hardly prepared this morning, but I will suit the convenience of the committee at any other time.

The room was thereupon cleared, and the committee proceeded to deliberate. After some time spent in deliberation, the doors were opened, and the witness, E. L. Smith, was informed that he would be heard by counsel.

On motion, the committee adjourned until to-morrow morning at ten o'clock.

WASHINGTON, *December. 16, 1879.*

The committee met pursuant to adjournment. Present: The Chairman, and Senators Hill, Bailey, Vance, Cameron, Hoar, and Logan; also F. S. Stambaugh, esq., of counsel for the memorialists; A. S. Everest, esq., of counsel for the respondent, and John L. Thompson, esq., counsel for the Western Union Telegraph Company.

Mr. THOMPSON addressed the committee in behalf of the Western Union Telegraph Company, as to the right to require the witness, Eugene L. Smith, manager of the company's office at Topeka, Kans., to produce the telegrams called for by the subpoena *duces tecum* heretofore issued, after which the committee proceeded to deliberate on the subject.

After some time spent in deliberation, the committee adjourned to meet at the call of the chairman.

WASHINGTON, December 19, 1879.

The committee met pursuant to call. Present: The Chairman, and Senators Hill, Bailey, Vance, Cameron, Hoar, and Logan; also, F. S. Stumbaugh, of counsel for the memorialists; A. S. Everest, of counsel for the respondent, and J. L. Thompson, counsel for the Western Union Telegraph Company.

EUGENE L. SMITH recalled.

The CHAIRMAN. In reference to the return you submitted to the committee on the 15th of December, before announcing the conclusions of the committee, I desire to state in behalf of the committee that there are some expressions contained in the return to which it may be well to direct your attention as well as the attention of the committee.

In reference to the dispatches and copies of dispatches sent by and received by Senator Ingalls, you stated that you had obtained the consent of Senator Ingalls to produce them, and have now produced them in obedience to his request as well as in obedience to the command of the writ. There is nothing perhaps very objectionable in that, because there is no implication that they would not have been returned if the consent of Mr. Ingalls had not been obtained.

In reference to the other telegraphic dispatches called for by the subpoena, you state that you have not received the consent of the parties to whom they were sent and by whom they were sent, and ask to be excused from their production, assigning certain reasons for that request. I desire to say on behalf of the committee that, however laudable it may be on the part of the telegraph manager to procure the consent, if convenient, of the parties to whom and by whom telegrams are sent, this committee, in the process which it issues, does not recognize the authority of a manager to withhold telegraphic dispatches because the consent of the parties by whom they were sent and to whom they were sent has not been obtained.

In reference to the general return, I am instructed by the committee to announce to you that it is not satisfactory and is not accepted as sufficient by the committee, and to request that you comply with the subpoena in that behalf.

Mr. THOMPSON. Mr. Chairman, as this seems to us a very important subject, and this is the last day of the session of the Senate before the holiday recess, may I not request that the matter be postponed until after the vacation, that we may have an opportunity of consulting with the officers of the company, and taking such action as seems to the company necessary to be taken under the circumstances. I need not assure the committee that it is from no disrespect to the committee or the authority of the committee or of the Senate of the United States that the witness has preferred the request to be relieved from the production of the general telegraphic correspondence of the persons named in the subpoena; but it has seemed to the company to be a matter of so great

importance that they desire to have the opinion of the committee upon the Constitutional and other questions presented. Having heard the determination of the committee, I make that request, and state further (perhaps it may add something to the request) that if the officers of the company comply with the request of the committee and furnish the dispatches, they may be sent to the clerk of the committee during the vacation as soon as their determination is known. I suppose the committee will hardly sit during the vacation, unless perhaps some members of the committee desire to pursue the investigation during the recess; and if so, if the dispatches are to be produced, they may be sent to the clerk of the committee, or to the chairman of the committee, immediately on the determination of the company to comply with the request to furnish the dispatches.

The CHAIRMAN. The committee will desire, I am sure, to be as lenient towards the company and towards its manager as possible. They do not, however, wish to be put in the position of trifling with a subpoena which they have issued. I will consult my brethren of the committee.

Mr. THOMPSON. I need not repeat my assurance that we are as far as possible from any design to trifle with the committee.

The CHAIRMAN. I did not mean to convey by that expression any idea that it was the intention of any one to trifle with the committee.

Senator HOAR. I should like to ask Colonel Thompson a question, with the leave of the Chairman.

The CHAIRMAN. Certainly.

Senator HOAR. Has not this question come up for the action and consideration of the Western Union Telegraph Company at times before now?

Mr. THOMPSON. It has. It came up in a matter before the legislature of Kansas. The manager declined to produce dispatches in accordance with the command of a subpoena which was issued by the authority of the house of representatives, I think, of Kansas, and the action of the committee was sustained by the house. The manager still refused to produce the dispatches and was placed under the sergeant-at-arms until the adjournment of the house. The question came up before the House of Representatives of the United States under a subpoena similar to this one in the Barnes case, the manager of the company, and an appeal was taken from the Judiciary Committee to the House of Representatives, and by a strictly party vote it was decided that the manager must produce the dispatches or be in contempt. The president of the company was also attached, or about to be attached. He was sick, and by the direction and positive instruction of his physicians he was compelled to yield to the subpoena and deliver the dispatches, rather than to be annoyed and confined.

Those are the two notable cases. In the case that came before the House of Representatives of the United States the company yielded on account of the condition of the health of Mr. Orton at that time. In the case at Topeka the company did not yield. Before courts and grand juries I do not think that the company has ever yielded to the production of the general telegraphic correspondence of an individual. In Missouri, the case went through all the courts, the lower courts deciding that the subpoena must be obeyed, and there has been no yielding there. The matter frequently comes up before courts in the case of a dispatch shown to be material; and where a dispatch is shown to be material, the courts have with great unanimity, until recently, enforced the production of it in the case of single dispatches; but I do not recollect any case in which the company has yielded to an indiscriminate production

of general telegraphic correspondence for a period of not less than two months, except in the case before the House of Representatives here.

— Senator HOAR. As I understand it, this subpoena was directed to the general manager of the affairs of the company and the president of the company.

— The CHAIRMAN. It was directed both to the president and to this gentleman.

— Senator HOAR. This gentleman, who is before the committee, appears and answers that he has not in his personal custody a large portion of the dispatches which are described in the subpoena, so that if you were to postpone this altogether until after the holidays you would then have the matter to deal with, what you should do in regard to the dispatches which are not in this man's custody.

The CHAIRMAN. I will state the application of Dr. Green, made through General Ewing, who happened to be at the time in New York. He requested Mr. Ewing on his return to Washington to see me and to see if he could not be excused from attendance, stating that his want of familiarity with the handling of telegrams and the answers of the general counsel of the company and the managers at Topeka and Washington should be considered the answers of the company. I telegraphed back to Dr. Green that he need not appear on the 15th, and apprehending that we might hereafter possibly require his attendance because of the failure to attend on the part of the agents who were before us, I informed him that he would be notified when his attendance was required, so that he should not be released from attendance, while he was excused from attendance on a particular day. I suppose upon the answer of Mr. Smith may depend the question as to whether we shall call before us Dr. Green himself, he having been regularly subpoenaed.

Mr. THOMPSON. Dr. Green does not understand that he is discharged at all. By the kindness of the committee he was relieved from personal attendance here at this time. I may be allowed to state that the action of the committee may have the effect as well upon the dispatches called for from Mr. Smith, and which he has under his control, as the determination of the committee in reference to the dispatches which Dr. Green may be supposed to have under his control; and if the matter should be postponed until after the vacation the officers of the company would be very glad to take that time to consider upon it.

The CHAIRMAN. We will consult in reference to it and let you know.

Senator VANCE. Let me ask Mr. Thompson what is the reason he wishes a postponement.

Mr. THOMPSON. So that I may have an opportunity of consulting with the officers of the company. I will state the reason precisely. This we consider to be a very important question. It has come before this committee of the Senate, a body of distinguished lawyers. They have determined that this subpoena is to be enforced. It is a vital matter with us. If the company propose to yield, they want to do it on full consideration. If they propose to appeal to the Senate, or to take any other course, they want to do that upon full consideration.

Senator VANCE. This demand for the dispatches was made last September in Kansas, was it not?

Senator CAMERON. No, it was made here.

Senator BAILEY. It was made last May or June.

Senator VANCE. The witness was before us last September?

Senator BAILEY. Yes.

Senator VANCE. And was requested to correspond with his principals, which he said he would do. The whole matter, it seems to me, has had

sufficient time for consideration. The dispatches that he now surrenders on Mr. Ingalls's consent for him to do so, were refused in Kansas, although Mr. Ingalls's consent was given then.

Senator BAILEY. I suggest before we proceed further with the discussion of this matter that the room be cleared.

The room was cleared, and the committee spent some time in private consultation.

When the doors were reopened, the witness E. L. Smith was recalled, and the following announcement made to him:

The CHAIRMAN. Mr. Smith, the committee after consultation on the subject of your request to be excused from further answer at present, have instructed me to say to you that you are not released from any operation of the order of the committee as modified before the argument, and must hold yourself in readiness to obey it in full. You are now required, first, to produce such of the dispatches named as relate to the Senatorial election in Kansas, and to do this on Tuesday, January 6th next, at 10 o'clock p. m., or at such other time as may then be determined on by the committee, if it should not be in session at that precise hour.

You will understand, therefore, Mr. Smith, that you will be prepared to comply literally with the requirements of the subpoena. We first order you to produce the dispatches which relate to the Senatorial election. It is a matter for the consideration of the committee afterwards what further orders they will make upon you, but we have complied with your request for an extension of the time of your answer until January 6, when you will be expected to be present before the committee.

On motion, the committee adjourned until January 7, 1880.

WASHINGTON, January 7, 1880.

The committee met pursuant to adjournment. Present, The Chairman, and Senators Hill, Kernan, Bailey, Vance, Cameron, Hoar, and Logan; also F. S. Stumbaugh and Samuel A. Riggs, of counsel for the memorialists; and John L. Thompson, counsel for the Western Union Telegraph Company.

EUGENE L. SMITH recalled.

The CHAIRMAN. At the last meeting of the committee the committee directed that the witness E. L. Smith first produce such of the dispatches named in the *subpoena duces tecum* as relate to the Senatorial election in Kansas. Mr. Smith is now present, and the committee desire his answer.

Mr. THOMPSON. Mr. Chairman, the witness expressing his willingness to comply with the requirement of the honorable committee to produce those dispatches sent and received by the persons named in the subpoena, which relate to the Senatorial election in Kansas, desires his counsel to express his gratification that the committee has restricted, for the present at least, the general call of the subpoena to those messages which relate to an election, an alleged incident of which this honorable committee is investigating.

He desires me also to state that of the dispatches now called for, not more than one or two can refer to the subject of this investigation, and those one or two are simply unintelligible. He therefore respectfully requests that he may be excused from producing those messages which

do not refer to the matter under investigation, although they do relate to the election. If the committee do not deem it proper to grant this request, he will, in deference to the opinion of the committee, upon the principles which have been discussed before it, deliver to the committee the messages now called for, but he will protest in behalf of the company of which he is a manager that the production of these messages before this committee is not to be understood as an abandonment of the principles contended for in the discussion, but his acquiescence is in deference to the manifest opinion of the committee, and with a due regard to the possible legal consequences under existing law which might follow his refusal.

Mr. Chairman, it will be seen that the witness in reference to these dispatches places himself in the hands of the committee. We assume, as we think we have a right to assume, that the committee does not desire immaterial dispatches made public, and I simply suggest that if the committee choose to take that view of it the witness is here ready to be examined in reference to the character of these dispatches, whether they be material or not; and I will further state that neither the witness nor his counsel assume in any possible way to be the judges or arbiters as to the materiality of the dispatches, but leave that to the committee.

If the committee should take that view, by an examination of the witness the materiality or non-materiality of these dispatches could be ascertained. The witness will, of course, answer any question the committee may see fit to put.

In reference to the one or two ambiguous and unintelligible dispatches, they are excepted in this form, not because they are supposed by the witness to relate to the matter under investigation, but because they are simply unintelligible.

I desire on behalf of the telegraph company to make this further statement: The officers of the company are only solicitous to preserve the rights of the public. Those rights consist in the necessity of producing proper and legitimate evidence, but they also consist in the necessity of preserving with inviolable secrecy the communications by telegraph of the community; and they have come to the conclusion that there is no way of adjusting these rights and getting rid of this difficulty except by such legislation as Congress in its wisdom may see fit to enact, and they will during this session of Congress ask that this whole matter may be adjusted by appropriate legislation.

The CHAIRMAN. The order of the committee is that the witness produce the dispatches which relate to the election, and the witness under oath must produce such dispatches as are covered by the order of the committee. We cannot recognize in the witness the right to determine what is material or immaterial. The order of the committee was made after careful consideration on their part, and a compliance with it is what they now require.

Mr. RIGGS. Do I understand that any order of the committee has been made limiting the præcipe?

The CHAIRMAN. The order made on the witness was what I have stated. What further order may be made is a matter for the determination of the committee.

The WITNESS. I now produce the telegrams called for. [Telegrams produced and handed to the chairman.]

The CHAIRMAN (to the witness). Mr. Smith, have you carefully examined all the telegrams in your office for the purpose of ascertaining what telegrams during the time specified were sent or received by the persons named in the subpoena relative to the election of Senator of

the United States in Kansas by the last legislature of that State?—A. I have.

Q. (By the CHAIRMAN.) Are those which you now produce the only dispatches that were received and sent and that are in the possession of your office relating to that subject within the time limited from the 1st of January to the 1st of March, 1879? The question includes also copies of dispatches received and sent from the 1st of January to the 1st of March, 1879, relating to the election of Senator in the State of Kansas, by the persons named in the subpoena?—A. To the best of my knowledge they are.

Q. Are there any other telegrams in your possession that are in cipher or unintelligible to you, within that period, passing between the parties named in the subpoena, either sent or received by any of them?—A. No, sir; there are not.

Mr. RIGGS. May I be permitted to ask a question for information?

The CHAIRMAN. Certainly. It is proper that I should say to Mr. Riggs that the committee on its own suggestion limited the time to the period from the 1st of January to the 1st of March, and the witness having answered that he had no custody or control of any telegrams sent or received at any other point than Topeka, we limited the inquiry to the telegraph office at Topeka. Our order was that the witness first be required to produce such telegrams as related to the election of Senator from Kansas.

Mr. RIGGS. The chairman's explanation will do away with the necessity of the question I was about to ask, which was as to including telegrams at other offices. I desire now to make another suggestion to the chairman, and that is that the subpoena also called for the receipt-books of the company.

The CHAIRMAN. The committee, after consultation among themselves, before the appearance of the witness, concluded that the *subpœna duces tecum* as originally issued embraced matters which this committee ought not to inquire into. Among other things, we concluded that we ought not to inquire for memoranda, books, &c., because the production of the telegrams themselves would obviate the necessity of the production of books of that character. On our own motion we limited the subpoena, believing that we had improvidently covered too much ground in the first instance in issuing it.

Mr. RIGGS. One further suggestion, Mr. Chairman. It may become very embarrassing to us if we do not have the books on which the parties receipted for telegrams to prove the reception of the same. I take it this committee will be very slow to receive in evidence against any man a telegram which he did not receive, which he cannot be shown to have received. I think, therefore, there certainly are some of the records of the company relating to these very dispatches that the committee will find essential; and we deem it a matter incumbent on us to show that certain of these dispatches had at least passed through the ordinary channels of the telegraph company, and had probably reached the parties to whom they were addressed, so as at least to create a presumption against them. I simply ask for the production of those books in which parties receipted for telegrams, and I ask this in order to bring myself, if I can, within the reasoning of the United States *vs.* Babcock.

Mr. THOMPSON, in behalf of the Western Union Telegraph Company, agreed to furnish the dispatches received or sent from the other points named in the *subpœna duces tecum* besides Topeka, by and from the parties therein named, during the period specified.

The CHAIRMAN made public for the information of all parties con-

cerned the following resolutions adopted by the committee in its private deliberations, viz :

Resolved, That telegraphic messages and the copies or records of the same in the possession of telegraph companies, their officers or servants, are not privileged by law from production and examination on proper process before a committee authorized to send for persons and papers.

Resolved, That the order for the production of such documents ought to be so regulated by a sound discretion as to protect the privacy of communications not relating to the matter under investigation, and especially that the authority making such order ought first to be satisfied that the message sought is, if obtained, likely to be material to the pending investigation, and the order ought, as far as practicable, to describe with reasonable certainty the particular message or record sought.

The committee adjourned to meet at the call of the chairman.

WASHINGTON, *January 10, 1880.*

The committee met pursuant to call.

Present: The Chairman, and Senators Hill, Kernan, Vance, Cameron, Hoar, and Logan; also, Messrs. F. S. Stumbaugh, William C. Webb, and Samuel A. Riggs, of counsel for the memorialists; A. S. Everest, of counsel for the respondent; and John L. Thompson, counsel for the Western Union Telegraph Company.

Senator HOAR. I move that Mr. E. L. Smith be now required to lay before the committee the other dispatches than those of Mr. Ingalls, embraced in the period from the 1st of January to the 1st of March, 1879, but that they be not examined by the committee nor made part of the record at present; and that those dispatches be referred to a sub-committee consisting of one member, who, in the presence of one counsel upon each side, shall examine them and report to the general committee which of them, if any, ought to be laid before the committee to be made part of the evidence in the case.

Mr. WEBB. If a member of the committee shall be designated to examine these messages in the presence of counsel upon either side, I suggest that he also examine all the messages which are in existence sent from and received at the Topeka office, commencing with the date of the 1st of March and going to and including the 12th of March.

The CHAIRMAN. We cannot make any alteration of the order of the committee now.

Senator CAMERON. The subpoena does not cover that time.

The CHAIRMAN. The motion now is for the witness to produce the dispatches between the 1st of January and the 1st of March. That is all that could be examined before the member of the committee under the proposed order, unless the telegraph manager voluntarily submits to inspection telegrams beyond the 1st of March.

Mr. THOMPSON. The witness, under my advice, after the modification of the subpoena by the committee, destroyed the messages between the 1st of March and the 25th of June, which had been preserved up to that time. I thought we had a right to do that.

The CHAIRMAN. The question is on agreeing to the motion of Senator Hoar.

The motion was agreed to.

The CHAIRMAN. Allow me to suggest that Brother Kernan, who has not had as onerous duties to perform in reference to the investigation, be now constituted the sub-committee of one under the order just made.

Senator KERNAN. Allow me to suggest that I not having read any of

the evidence and not being a member of the sub-committee in Kansas, that would not be a proper selection.

The CHAIRMAN. There is no reading of the evidence required. The duty is simply to examine the telegrams and determine their materiality.

Senator KERNAN. Some one familiar with the names should be chosen.

Senator CAMERON. I move that the chairman be appointed.

Senator HOAR. I think the chairman is the natural person to be selected.

The CHAIRMAN. It will not be a very onerous duty, and I am willing to serve if such is the wish of the committee.

The motion of Senator Cameron was agreed to.

Mr. WEBB. We have concluded to examine Mr. Smith right now.

The CHAIRMAN. You can limit your inquiry now to the telegrams which he has already produced, or to matters relating to the order of the committee. You may inquire, of course, whether he has control of any other telegrams or has had control over them.

Senator HOAR. I hope the chairman will allow the counsel to examine Mr. Smith without limiting the examination in advance, before a question of admissibility comes up.

Mr. THOMPSON. I should like to ask Mr. Webb if it is agreed on his part to abide by the decision of the chairman of the committee upon the materiality of telegrams?

Mr. WEBB. I do not think that is a question we want to determine now, general.

Senator KERNAN. We shall probably sustain our chairman upon that point.

Mr. BIGGS. I have no doubt the chairman will treat us fairly all around.

Senator HOAR. I do not understand that there is the least necessity to say this to the counsel present, but, as this may be a precedent for other cases, of course it is understood that such telegrams as are not claimed to be material shall be treated as highly confidential by the counsel on both sides.

The CHAIRMAN. Certainly. Perhaps to avoid any decision on the point that Mr. Thompson now raises, I should state that any telegrams which in my judgment are material to this case, I shall hold ought to be revealed. If a question arises between counsel as to the materiality of a particular telegram, I should prefer to submit that question to the full committee rather than to decide it myself absolutely.

Senator HOAR. You will have a right to do that.

EUGENE L. SMITH recalled.

By Mr. WEBB:

Question. I call your attention, first, to the fact of the service of the subpoena upon you in June last, designating certain messages that you were required to produce before the Committee on Privileges and Elections, here in Washington, on the 11th of December. I ask you if, at the time that subpoena was served upon you, the messages which had been sent from and received at the Topeka office, between the day of the service of the subpoena upon you and the 1st of January preceding, were then in your possession and under your control as local manager of the Topeka office?—Answer. They were.

Q. When, if at any time, did those messages first go beyond your personal control?—A. Do you mean the entire business of the office, or those messages that were covered by the subpoena?

Q. Those covered by the subpoena.—A. I cannot recollect the exact date, but I think Mr. Green's communication to the chairman gives the date.

Q. Pardon me, but I do not want any reference to Mr. Green's communication. I want you to tell me yourself when, if at any time, those messages covered by the subpoena went beyond your personal control as local manager of the Topeka office?—A. Without reference to the date?

Q. We can get at the date at another time. Did they go beyond your personal control?—A. They did.

Q. In what way? By what means?—A. I sent them by express to the district superintendent at Saint Louis.

Q. About what time?—A. It was during the investigation by the sub-committee at Topeka, or immediately afterwards.

Q. The subpoena which was served upon you on the 25th of June required you to appear here in Washington on the 11th of December, and to bring with you those dispatches. Did you not regard that subpoena as mandatory and as obligatory upon you to obey it, and for that purpose to keep the dispatches personally under your own control?—A. Yes, sir; I did and—

Q. Did you keep them under your control?—A. Will you allow me to finish?

Q. Certainly.—A. I was about to explain what I did with them, and by whose instruction, &c.

Q. Go on and make your answer complete.—A. When the president, through superintendent Baker, sent to me for the telegrams I replied that I had also been served with a similar subpoena to produce those telegrams, and asked him if it would not be improper for me to allow them to go out of my hands. He replied that inasmuch as the president was served with a subpoena, he thought, under the circumstances, it would not, and for me to send them to him as requested by the president.

Q. You sent them by express?—A. Yes, sir.

Q. Did you send them in a sealed or unsealed package?—A. In a sealed package.

Q. Directed to whom?—A. To L. C. Baker, Saint Louis, Mo.

Q. Did you ever see that package again, with the same wrapper, envelope, and direction?—A. The dispatches were returned to me in the package, but I am unable to say whether it was the same wrapper without a closer examination.

Q. Who returned them to you?—A. President Green.

Q. Where?—A. In New York.

Q. When?—A. About the 13th of December last.

Q. What did you do with them?—A. I brought them to Washington.

Q. Were they in a sealed or unsealed package or wrapper when you received them from President Green?—A. They were unsealed.

Q. You say you had sent them to Mr. Baker, the district superintendent at Saint Louis, in a sealed wrapper?—A. Yes, sir.

Q. Who personally delivered you the package in New York? You say you received it from President Green, but who was the individual who personally delivered it to you?—A. I do not know the gentleman's name, but he is connected with the law department.

Q. Was it President Green personally?—A. I was sitting by the side of President Green's desk, and this gentleman brought the dispatches in. I am unable to recollect whether he handed them directly to me or to President Green, and President Green to me.

Q. But when you received them they were in an unsealed wrapper?—
A. Yes, sir.

Q. Was there any direction upon the wrapper?—A. I am unable to state.

Q. Did you bring them in the same wrapper to Washington?—A. Yes, sir.

Q. Did you open them in New York?—A. Yes, sir.

Q. For what purpose?—A. To sort out the dispatches sent to and from Senator Ingalls.

Q. Did you make that assortment?—A. I did.

Q. And separation?—A. I did.

Q. At whose request or by whose direction did you do that?—A. I did it by the direction of President Green.

Q. The dispatches sent to and received by Senator Ingalls, did you put in one package by themselves?—A. No, sir; although I kept them separated by a rubber band.

Q. Then you put all the dispatches again in one wrapper?—A. Yes, sir.

Q. Did you seal it?—A. I did not.

Q. You brought it to Washington unsealed?—A. Yes, sir.

Q. In what place, building, or room did you open the package as you received it in President Green's office?—A. I opened it in the law department.

Q. Who was present?—A. The gentleman that I mentioned heretofore. I do not know his name, but he is connected with that department.

Q. Who else?—A. Nobody else.

Q. Did you open that package at any other place in New York?—A. Do you mean, have I opened it since that time?

Q. No, sir; while in New York?—A. No, sir; I did not while in New York.

Q. Did you open it at any time after the time you have already mentioned, and before your arrival in Washington?—A. No, sir; I did not.

Q. When did you first open the package in this city?—A. I do not know the date, but I remember where I opened it.

Q. You say you received it about the 13th of December?—A. Yes, sir.

Q. How soon after that did you leave for Washington?—A. That, I think, was on Saturday, and I left for Washington Sunday night.

Q. You reached here on Monday?—A. Yes, sir.

Q. Where did you open it?—A. In my room at Willard's Hotel.

Q. How long had you been in Washington at that time?—A. I think I opened it the morning that I arrived here.

Q. Who was present, if any one?—A. No one.

Q. At whose request, or instigation, or suggestion did you open it?—A. I opened it to take the Ingalls's dispatches from the package.

Q. Did you take them from the package?—A. I did.

Q. What then remained in that package?—A. All of the dispatches sent and received by the parties named in the subpoena to and from the Topeka office, from January 1 to June 25, 1879.

Q. Had you any mode of verifying the correctness of that statement at that time? Did you know that all the dispatches which had been sent from and received at the Topeka office, and that you had forwarded to Mr. L. C. Baker, were then in that package?—A. I had no way of knowing whether any of them then had been taken out or not during the time that the package was out of my possession.

Q. You say you did open it and take out the package that you had

gathered together and bound with a rubber band containing the dispatches, sent to and received by Senator Ingalls. What did you then do with the remainder?—A. I took them to the Western Union Telegraph office in this city, and deposited them in their vault.

Q. How soon afterwards?—A. I think it was on Monday.

Q. Did any person other than yourself see any of those dispatches after your arrival in Washington before you took them to the office of the Western Union Company here and deposited them in the vault?—A. No, sir; no one did.

Q. How long did they remain in that vault as a deposit by you?—A. They remained there until I went West, December 20.

Q. Then what was done.—A. I put them in my valise.

Q. Where did you take them?—A. I took them to Kansas.

Q. To Topeka?—A. Yes, sir.

Q. What date do you say you left here to return to Topeka?—A. The evening of the 20th of December.

Q. Who went in company with you, if any one?—A. No one; that is, no acquaintance of mine.

Q. Did you stop on the route?—A. I stopped at Chicago one day.

Q. Did you show those dispatches, or any of them, to any person in Chicago?—A. I did not.

Q. Did you open the package in Chicago?—A. I did not.

Q. You took the dispatches to Topeka?—A. Yes, sir.

Q. Did you show them to any one or open them there?—A. I will state that the package was not opened from the time I left here until I was on my way back here, at Pittsburgh.

Q. Was it opened at Pittsburgh?—A. It was.

Q. Whom did you come back with?—A. I came back from Chicago with my attorney, General Thompson.

Q. Was Senator Ingalls on the train with you any part of the way?—A. Not to my knowledge.

Q. Had he been on the train any part of the way between Topeka and Chicago?—A. No, sir.

Q. You say you opened the package at Pittsburgh?—A. Yes, sir.

Q. Whereabouts in Pittsburgh?—A. At the Monongahela House.

Q. What time did you leave Chicago?—A. I left there at 5.15 or 5.20 Saturday evening.

Q. What time did you reach Pittsburgh?—A. It was about noon on Sunday.

Q. Why did you stop at a hotel?—A. It was the most convenient place to stop.

Q. Why did you stop at all in Pittsburgh?—A. There was no train coming farther east until evening.

Q. What time did the train leave Pittsburgh?—A. There was a train coming farther east, but there was no train coming to Washington until evening.

Q. How long did you remain in Pittsburgh?—A. I remained there until about nine o'clock in the evening.

Q. You say that that package of dispatches was opened by you at Pittsburgh?—A. Yes, sir.

Q. On Sunday?—A. Yes, sir.

Q. What Sunday was that?—A. It will be a week ago to-morrow.

Q. That was the 4th, was it not?—A. Yes, sir.

Q. Then, on Sunday the 4th of January, in Pittsburgh, you opened that package?—A. Yes, sir.

Q. At whose direction or at whose request?—A. At my attorney's.

Q. Name him.—A. General Thompson.

Q. He is one of the solicitors of the Western Union Company?—A. The attorney of the Western Union Telegraph Company.

Q. What reason did he give for having you to open the package of dispatches at that time and place?—A. To sort out the telegrams that the committee called for.

Q. That is to say, the dispatches received before the 1st of March from those received after the 1st of March?—A. Yes, sir; and those that I thought material to the case.

Q. Those that you thought material?—A. Yes, sir.

Q. Did General Thompson look at the dispatches with you?—A. A portion of them he did. I am not sure but that he looked at all of them.

Q. Did you and General Thompson examine all the dispatches that you had in the package that you had started from Topeka with?—A. Yes, sir.

Q. You did that at the Monongahela House, in the city of Pittsburgh?—A. Yes, sir.

Q. How long were you there in the hotel?—A. From 12 o'clock noon, or 1 o'clock, until half past seven in the evening.

Q. How long did it take you and General Thompson to go through and examine all the dispatches which were in that package, all the messages that you had received at your office and sent from your office between the 1st of January and the 25th of June?—A. I should judge about two hours.

Q. How many were there of them?—A. I am unable to say; I never counted them.

Q. In your best judgment, how many? You must have an opinion upon that subject; tell us what it is.—A. In the neighborhood of two or three hundred.

Q. All told?—A. Yes, sir; all told.

Q. Dispatches between the 1st of January and the 25th of June?—A. Yes, sir.

Q. Were any dispatches there directed to Calvin Hood?—A. I am unable to state at present whether there were or were not.

Q. Were there any signed by Calvin Hood, or with his name?—A. There were some signed "Hood." There may have been some signed "Calvin Hood," but I am not sure of that.

Q. Were there any dispatches there signed "J. S. Danford"?—A. There were dispatches signed "Danford"; whether there were any signed "J. S. Danford," I am unable to say.

Q. Were there any dispatches directed to Danford or J. S. Danford?—A. Yes, sir.

Q. Were there any dispatches there signed "Auld," or "David Auld"?—A. I do not remember.

Q. Were there any directed to Auld, or David Auld?—A. I do not remember.

Q. Were there any dispatches there signed "Peck," or "George R. Peck," or "George"?—A. Yes, sir.

Q. Were there any dispatches directed to Peck, or George R. Peck?—A. Yes, sir.

Q. Were there any dispatches there signed "John J. Ingalls," or "J. J. Ingalls," or "Ingalls"?—A. Yes, sir.

Q. Were there any directed to Ingalls, or J. J. Ingalls, or John J. Ingalls?—A. Yes, sir.

Q. Were there any dispatches there signed "Hallowell," or "J. R. Hallowell"?—A. Yes, sir.

Q. Were there any dispatches there sent to Hallowell, or J. R. Hallowell?—A. I am unable to say.

Q. Were there any dispatches there signed "Foster," or "C. G. Foster"?—A. I am unable to say.

Q. Were there any directed to Foster, or C. G. Foster, or Cassius G. Foster?—A. I am unable to say.

Q. Were there any dispatches there signed "W. F. Downs," or "William F. Downs," or "Downs"?—A. I do not remember.

Q. Were there any directed to Downs, or W. F. Downs, or William F. Downs?—A. I do not remember.

Q. Were there any dispatches there signed "Henry King," or "King"?—A. Yes, sir.

Q. Were there any dispatches there sent to King, or Henry King?—A. Yes, sir.

Q. Were there any dispatches there signed "Byron Roberts," or "Roberts," or "Byron"?—A. I am unable to recollect.

Q. Were there any messages sent to Roberts or Byron Roberts?—A. I am unable to recollect.

Q. Were there any messages signed "A. C. Dawes," or "Dawes"?—A. Yes, sir.

Q. Were there any messages sent to Dawes, or Colonel Dawes, or Colonel A. C. Dawes?—A. Yes, sir.

Q. Were there messages sent by Holden, or H. M. Holden?—A. I think not, although I am not quite positive on that point.

Q. Were there any messages there sent by P. B. Plumb?—A. I do not remember.

Q. Were there any there sent to P. B. Plumb from Topeka?—A. Yes, sir.

Q. Were there any messages there signed "Charles A. Morris," or "Morris," or "C. A. Morris"?—A. Do you mean sent from or received at our office?

Q. Were any there signed? I do not care whether they were sent from or received at your office. Were there any messages there that had the name of Charles A. Morris in any of its forms?—A. Yes, sir.

Q. Were there any dispatches or messages addressed to C. A. Morris, or Charles A. Morris, or Captain C. A. Morris?—A. I do not remember.

Q. You say that yourself and General Thompson were about two hours in looking through the dispatches in your possession and under your control, and covered by the original subpoena. I will ask you what you did with them? You say you opened them and separated them. What separation did you then and there make in Pittsburgh?—A. We separated the dispatches sent between the first of January and the first of March and those sent between the first of March and the 25th of June.

Q. Did you make any other separation?—A. We also separated from the messages sent and received between the first of January and the first of March those that we considered material.

Q. Those that you considered material?—A. That I did.

Q. How happened it that you were judging at that time whether a dispatch was or was not material?—A. I made a mistake in answering the question. I should have said those that I considered as relating to the Senatorial election.

Q. Do you remember whether you found any of the dispatches sent

and received between the first of January and the first of March which did relate to the Senatorial election?—A. Yes, sir; I found some.

Q. Did you find any that in your opinion at the time did not relate to the Senatorial election, signed by these parties, or some of them?—A. Yes, sir.

Q. In your first separation on which side of the line did you include the first day of March? When you made your first separation, between the first day of January and the first day of March, did you include the last day of February only, or did you include the first day of March?—A. We separated from the first day of January to the last day of February, inclusive.

Q. What did you do with the messages sent and received on and after the first of March, up to and including the 25th of June?—A. I destroyed them.

Q. Where?—A. In my room at the Monongahela House.

Q. Why?—A. I was released from producing them before the committee, and I had no further use for them. I destroyed them by order.

Q. At whose instance or suggestion did you destroy those messages on that day?—A. I think that I asked General Thompson if we had any further use for them, and he said not.

Q. Did he instruct you to destroy them?—A. He did.

Q. Was he present when they were destroyed?—A. He was.

Q. Had any of them been read by you, or by him, that day?—A. None of them had been read by me. Whether he read any of them, further than the dates, I am unable to say.

Q. You left Topeka on Friday, the second day of January, to come to Washington on this occasion?—A. Yes, sir.

Q. You came by way of Chicago?—A. Yes, sir.

Q. General Thompson resides in Chicago? That is his office and place of business?—A. Yes, sir.

Q. What time did you reach Chicago?—A. At 3.30 in the afternoon.

Q. Saturday?—A. Yes, sir.

Q. You staid there until what time?—A. Until 5.15.

Q. Was there anything said while in Chicago, between you and General Thompson, about your having possession of those dispatches?—A. No, sir; I did not see General Thompson; or I did not know that he was going to Washington by the same route until I met him on the train.

Q. You then informed him that you had the dispatches?—A. No; I do not know that I did.

Q. He must have known it, or else he would not have instructed you to make the separation and destroy them?—A. Undoubtedly.

Q. I will ask you if it is your duty as local manager of the Topeka office, to destroy messages at any time, under the orders of your company?—A. Yes, sir; it is.

Q. Is it not the practice, and is it not the rule, of your company for you to forward the messages to either the district superintendent or to the New York office?—A. No, sir; it is not.

Q. Is it at present the rule of the company to destroy the messages at the office at which they are received and whence sent?—A. I have instructions to destroy the messages after they have become six months old. The manner of destruction is left to me.

Q. That is a very good suggestion. In what manner did you destroy these dispatches?—A. By fire.

Q. You burnt them?—A. Yes, sir.

Q. What did you do with the dispatches included in the dates between

the 1st of January and the last day of February ?—A. I brought them to Washington.

Q. In a sealed or unsealed wrapper ?—A. Unsealed.

Q. You say you made a separation of those dispatches—separating those which you deemed to relate to the Senatorial election from those that, in your opinion, did not relate to such election ?—A. Yes, sir.

Q. Did you put them in the same package ?—A. I did.

Q. Were they separated by bands, the one class from the other class ?—A. No, sir; they were separated by other papers in the package.

Q. How did you bring them from Pittsburgh here ?—A. In my valise.

Q. Where are they now ?—A. In my valise.

Q. All of them ?—A. Those that we separated out to surrender to the committee, I do not know where they are.

Senator KERNAN. You surrendered here, when you were examined the other day, 35 dispatches, or some such number ?

The WITNESS. And, with the exception of those 35, the rest are in my valise.

Q. (By Mr. WEBB.) In the package ?—A. Yes, sir.

Q. Has any person other than yourself seen or examined that package, or any of the messages contained in the package, since you came to Washington ?—A. No, sir.

Q. You say yourself and General Thompson did examine them all at Pittsburgh ?—A. Yes, sir.

Q. How many of them are there left in the package in your valise ?—A. In the neighborhood of two or three hundred.

Q. Give us the number as near as you can. You have gone through them; made separations and divisions. You have taken out thirty-five. How many of them are there in the package now ?—A. That is as near as I can estimate it.

Q. What is your statement, then ?—A. In the neighborhood of two or three hundred.

Q. You think there are fully two hundred ?—A. Yes, sir.

Q. How many did you destroy in Pittsburgh ?—A. I do not know the exact number.

Q. To your best recollection ?—A. A number, I should judge, equal to those that we preserved; perhaps a few more.

Q. You produced thirty-five here, and you have fully two hundred left. You destroyed at least two hundred and thirty-five, and very likely more than that, in Pittsburgh ?—A. Yes, sir.

Q. Did you destroy any messages in Pittsburgh that were directed to any of the parties named in the subpoena ?

The CHAIRMAN. I suggest that the witness has stated that he destroyed none except those that were of the date of the 1st of March and afterwards. By the order of the committee he was not bound to produce before the committee any of those dispatches, and I submit whether it is proper that he should be interrogated about the existence of dispatches which he was not bound to produce. I do this for the purpose of limiting the investigation. Even if you should show that there were telegrams to or from the parties named in the subpoena after the 1st of March, I cannot see the materiality of the evidence, because the dispatches themselves, if in existence, under the order of the committee would not be allowed to be produced.

Mr. RIGGS. I presume if the chairman and the committee should be satisfied that the limitation of time fixed in the subpoena as modified worked a very great detriment to the interest of public morals, the com-

mittee would give us an opportunity of showing what dispatches were sent between the 1st and 10th day of March, when the legislature voted upon this question, and adjourned. It might be necessary preliminarily for us to show by Mr. Smith that such dispatches were destroyed by him. Of course I do not mean to say that it is necessary at this particular juncture, but there may come a time when it may be necessary to ask of the committee to enlarge the time they have fixed, because our legislature did not adjourn until the 10th day of March, and some of the dispatches of which we believe we have knowledge are covered by the period between the last day of February and that time.

Senator HILL. That is simply laying the foundation for secondary evidence.

The CHAIRMAN. It is right for that purpose, I think.

Senator KERNAN. You simply want to show that there were some dispatches to or from those parties with a view to laying the foundation for secondary evidence?

Mr. RIGGS. That is all.

Q. (By Mr. Webb.) State whether you destroyed any messages at Pittsburgh which, as you recollect, were sent by, or sent to, Hood; or Calvin Hood?—A. I do not remember whether there were any sent to him destroyed or not.

Q. Did you destroy any messages that were sent by or sent to Danford or J. S. Danford?—A. I do not recollect.

Q. Did you destroy any messages which were sent by or sent to "Joseph C. Wilson," or "J. C. Wilson," or "Joe"?—A. I do not recollect.

Q. Did you destroy any messages that were sent by or received by "James S. Merritt," or "J. S. Merritt," or "Merritt," or "Col. Merritt," or "Col. J. S. Merritt"?—A. I do not remember.

Q. Did you destroy any messages that were sent by or sent to Auld or David Auld?—A. I am unable to say.

Q. Did you destroy any messages which were sent by or sent to "Peck," or "George R. Peck," or "George Peck," or "G. R. Peck," or "George"?—A. I do not remember.

Q. Did you destroy any messages sent by or sent to "John J. Ingalls," or "Senator Ingalls," or "Senator J. J. Ingalls," or "J. J. Ingalls," or "Ingalls"?—A. All of the messages that I destroyed at Pittsburgh, with the exception of one or two that got into the package by error, were either sent to or sent from parties named in the subpoena; but I am unable to point out any particular message to or from any one of the particular parties.

Q. I will call one name which you may remember. Do you remember the name of Charles A. Morris upon any of those messages destroyed either as sender or receiver?—A. I do not.

Q. Do you remember the name of H. M. Holden on any of those messages destroyed, either as sender or receiver?—A. I do not.

Q. You say that all the messages that were destroyed were messages sent by or received from persons named in the subpoena?—A. With the exception of one or two.

Q. That got into the package by mistake?—A. Yes, sir.

Q. Have you any verification in the records of the Topeka office of messages sent and received from which you are able to state that you received from Mr. President Green in New York all the messages that you sent in a sealed package to Mr. L. O. Baker, the superintendent at Saint Louis?—A. No, sir; I made none.

Q. And you are unable to state, then, whether you did in fact receive

- back in New York all the messages that you had sent to Mr. Baker!—
A. I am unable to state.

Mr. WEBB. Mr. Chairman, I believe I have no other questions at present. I ask that the verified statement addressed to the chairman by Mr. Norvin Green, president of the Western Union Telegraph Company, be printed in the record.

The statement was ordered to be printed in the record, and is as follows:

EXECUTIVE OFFICE WESTERN UNION TELEGRAPH COMPANY,
NORVIN GREEN, PRESIDENT,
New York, January 5, 1880.

Hon. ELI SAULSBURY,

Chairman Committee on Privileges and Elections, U. S. Senate, Washington, D. C.

SIR: I have received the following telegram from General Thompson, who is now before your committee as counsel for this company, viz:

"WASHINGTON, D. C., January 7, 1880.

"NORVIN GREEN, *President* :

"Committee require telegrams relating to the election, to be produced. They now require Dr. Green to send to Manager E. L. Smith, Willard's Hotel, all the messages sent or received by the persons named in the subpoena at Kansas City, Wamego, Emporia, Atchison; and those received at Washington, directed to Plumb, Ingalls, or Chas. A. Morris, from January first to March first, 'seventy-nine, with Dr. Green's affidavit that he has given instructions to his managers to send them all to him, and that he believes he has sent all. Manager Smith will then pick out those relating to the election in Kansas. If this is done to their satisfaction, I don't think that Dr. Green's presence will be required here at all.

(Signed)

"JNO. L. THOMPSON."

In answer to the requirement of the committee referred to in this message of General Thompson, I respectfully represent as follows:

The subpoena of your honorable committee of June 27, 1879, was transmitted to me by telegraph. In accordance with the usual custom of my office in such cases, I handed the subpoena to Mr. Clarence Cary, the office attorney of the company, with request to have the messages specified in the subpoena obtained and preserved to await the orders of your committee.

On June 28, Mr. Cary sent the subpoena to R. C. Clowny, assistant general superintendent of this company at Chicago, with an order to collect and send to him at the executive office of the company in New York, "all the messages referred to in the subpoena." This order Mr. Clowny further referred to Mr. L. C. Baker, a district superintendent of the company, June 30, 1879.

On November 6, 1879, Mr. Baker, in obedience to this order, forwarded to Mr. Cary at New York, the original subpoena and a package of telegrams, with a report thereon under that date, in the following language, viz:

"Inclosed herewith I hand you papers received in July last asking for messages covered by a subpoena served upon the president of the company June 28, by the Senate Committee on Privileges and Elections. I also inclose the messages called for by the subpoena.

(Signed)

"L. C. BAKER, *Sept.*"

The package of telegrams was placed by Mr. Cary in a safe in his office in the Western Union Company building in New York, where it remained until December 13, when it was delivered to Mr. E. L. Smith, the company's manager at Topeka, to be taken by him to Washington to await the orders of your committee. Mr. Cary states to me that he did not examine the contents of the package, because he did not suppose it proper or necessary to do so, and he adds that if he had done so he would have been unable to detect any omission to comply with the subpoena.

In view of the foregoing it will be seen that we supposed that all the messages called for in the subpoena were included in the package sent to Washington by Mr. E. L. Smith.

But since receiving the above quoted message from General Thompson, I have made further inquiry by telegraph, and have the following from Superintendent Baker:

"Upon reference to my files and records it appears that by some misunderstanding no copy of the subpoena was forwarded to the managers at Wamego, Emporia, Atchison. I think it was understood at the time that the call was for messages at

changed between Topeka and those points by the parties named, all of which messages would, of course, be shown in the Topeka files. The package sent you contained all the messages which reached me."

From Superintendent Baker's report it would now appear, I regret to say, that some portion of the subpoena was not complied with, but it also appears that the package of messages sent to Washington by Manager Smith should contain not only the originals of all messages filed by the persons named in the subpoena at Topeka addressed to Wamego, Emporia, Atchison, and Washington, but also copies of all messages sent by the persons named from Wamego, Emporia, Atchison, and Washington to Topeka.

Our reports further show that all original messages filed at Washington, as well as Wamego, Emporia, and Atchison, during the period from January 1st to March 1st, 1879, have been destroyed in accordance with the general rule of the company that all messages on our files must be destroyed at the expiration of every six months.

With respect to the messages filed at Washington, D. C., there does not appear to have been any order sent out for them from the office of the attorney to whom I referred the original subpoena. This omission was partly from oversight and partly from an accepted conviction—upon what information I cannot say—that the manager at Washington had also been subpoenaed before the committee. So confident was I that Manager Whitney at Washington had been subpoenaed, that I sent him a telegram on or about the 13th day of December, advising him that General Thompson would attend before the committee as counsel for our company, and instructing him to be governed by the advice of the latter in respect to the production of the messages called for by the committee. In confirmation of this conviction, I beg to refer to my letter to the honorable chairman of the committee, of date December 13th, on the second page of which I say: "But as all the messages required by either subpoena—if the production be enforced—should be found in the files of the Topeka, Kansas, and Washington, D. C., offices, and as the managers of both of these offices have been summoned, and will attend and respond under the direction of the company, and by advice of its counsel, I trust that the committee will conclude that my attendance can well be dispensed with altogether."

Messages transmitted to and from the offices of this company are never in my personal possession, nor brought to the executive office, except upon special orders, and the methods taken by me to order them here in this instance were the usual methods adopted, and through the usual channels taken to reach the managers of offices. They have been so uniformly successful that I had no reason to apprehend the losses or mishaps which seem to have occurred in the execution of the orders, especially after receiving the letter from Superintendent Baker, saying he had inclosed the messages called for by the subpoena.

I did not deem it best, or even proper, that I should open and examine the messages, or know anything of their contents until they should be brought before the committee, or until it should be finally determined what messages should be produced. We have always held that the messages in the possession of the company should be exposed only to those of the employes who must necessarily examine them, and I preferred that the examination should be made by the parties who had already been obliged to handle them; and even if I had undertaken to examine them I could not possibly have known whether all the messages were there which were called for by the subpoena.

Although the files of the Washington office cannot now be produced, copies of any messages to and from between Washington and Topeka will be found in the files of the Topeka office now in the possession of the witness before the committee.

In conclusion I beg to express sincere regret on behalf of this company that there should have been any misapprehension on our part in complying with the subpoena of your honorable committee. We hope it will be clear that the accidental neglect to observe its full requirements was not due to any willful or unreasonable action on the part of this company or its employes, nor any default on my part.

I remain, very respectfully,

NORVIN GREEN,
President Western Union Telegraph Company.

CITY, COUNTY AND STATE OF NEW YORK, ss:

On this 8th day of January, 1880, before me personally appeared Norvin Green, the president of the Western Union Telegraph Company, and made oath that the facts set forth in the foregoing letter subscribed to by him are true to the best of his knowledge, information, and belief.

CLARENCE CARY,
Notary Public, N. Y.

By Senator CAMERON:

Q. Did you, Mr. Smith, subsequent to the date that the subpoena in this case was served on you, at any time exhibit to Mr. Ingalls,

or to any of his counsel, the telegrams which you had in your possession relating to the Senatorial election in Kansas?—A. No, sir; I did not.

Q. Did Mr. Ingalls or any of his counsel apply to you to see the telegrams in your possession relating to that election?—A. No, sir.

The CHAIRMAN (to the counsel for the memorialists). Are you through with the witness, gentlemen?

Mr. RIGGS. For the present. We are not willing he should be discharged.

Mr. WEBB. Not until we have looked at the dispatches.

The CHAIRMAN. Of course the witness will have to produce the dispatches according to the agreement.

Mr. EVEREST. I should like to ask the witness a question in regard to the destruction of these telegrams and the assortment of them. That is all that I care about asking. I do not know but that the counsel of the Western Union Telegraph Company would be a more proper person to put the inquiry. We are not on trial.

Mr. THOMPSON. Very well; I will ask the question. (To the witness.) Mr. Smith, did any one beside myself ever see those telegrams after they were delivered to you in New York?—A. No, sir.

Q. (By Mr. THOMPSON.) Did I request you, in Pittsburgh, to exhibit the dispatches to me?—A. Yes, sir.

Q. For the purpose of assisting you in making the separation required by the committee, and also for the purpose of determining the course as to the production of any messages at all?—A. Yes, sir, you made that suggestion.

Q. Did I not tell you then that I thought you had better not read messages that did not relate to the Senatorial election at that time?—A. Yes, sir.

Q. Did I not say that, for the present, it would be advisable for you to refrain from knowing the contents of the messages that were not to be delivered to the committee?—A. I do not remember whether it was those that were not to be delivered to the committee, of those that were to be delivered to the committee.

Q. That is immaterial. Did I not afterwards tell you to read over the messages that were withheld by you with great care for the purpose of being able to state that you had delivered to the committee all that related to the Senatorial election?—A. You did.

Q. Did you ever read them over with care?—A. Yes, sir; I did.

Q. Was any one present when you read those over?—A. No, sir.

Q. And, in your judgment, you did deliver to the committee all that related to the Senatorial election?—A. To my best judgment I did.

Senator HOAR. Do you go beyond the included dates after March 1?

Mr. THOMPSON. No, sir; I refer now to those between January and March. (To the witness.) Those after the first of March, including the first of March, were destroyed in Pittsburgh under my direction, were they not?—A. Yes, sir.

Q. (By Mr. THOMPSON.) After consulting with you in reference to the order of the company in regard to destroying telegrams over six months old, and the limitation of the subpoena?—A. Yes, sir.

Q. Has anybody tampered with you, or attempted to tamper with you, on any side, with reference to these dispatches?—A. No, sir.

By Mr. RIGGS:

Q. Do you keep in the office of the company a permanent record of the messages received and sent, with simply the names of the sender and receiver?—A. The records are kept in a great many different ways

in the different offices. In my office I keep no record of sent messages farther than the destination and the amount paid, and whether the charge is prepaid or forwarded.

Q. You do not keep an account of either the sender or the person to whom sent?—A. No, sir.

Q. Do you keep the number of the message?—A. No; only as with one certain office. Where two telegraph offices do a great deal of business with each other, we find it advisable to number the messages sent between those two offices.

Q. Do you preserve your delivery books?—A. Yes, sir.

Q. You have the delivery books covering the time between the first day of January and the first day, say of April, 1879?—A. We preserve them only six months.

Q. Did you preserve the delivery books corresponding to the messages described in the subpœna?—A. I did, until I returned to Topeka, on the 20th of December.

Q. After the 20th of December, did you destroy the delivery books?—A. I did not personally; and I am unable to say whether they have been destroyed or not. I left them with my assistant.

Q. Did you give him instructions to destroy them?—A. I left them with my chief operator, and told him that he could dispose of them; that I had gotten through with them at Washington,

Q. Did you give that direction as to the delivery books covering the time from the 1st of January to the 28th day of February, inclusive?—A. Yes, sir.

Q. Did you have those books with you at Washington, in December?—A. I did.

Q. You took them back with you to Kansas?—A. Yes, sir.

Q. Did you understand that the order as modified released you from the production of the books?—A. Yes, sir.

Q. From whom did you receive that understanding?—A. From the chairman of the committee.

Q. Did you receive it from Colonel Thompson?—A. I received it from the chairman of the committee.

Q. Did you receive it also from Colonel Thompson?—A. Not to my recollection.

Q. Then you have destroyed the delivery books which pertain to all the messages described in the subpœna?—A. No, sir.

Q. Or left orders that your chief operator could dispose of them?—A. Those were the instructions I left with my chief operator.

Q. When did you leave those instructions with your chief operator?—A. The day I left Topeka for Washington.

Q. On the second day of January last?—A. Yes, sir.

Q. You do not know whether the order has been complied with?—A. No, sir; I do not know.

Mr. RIGGS. I ask that the witness be instructed to telegraph to his chief operator that the subpœna has not been modified in the way indicated in his instructions.

The CHAIRMAN. The modification of the subpœna did include the non-production of memoranda.

Mr. RIGGS. For the time being.

The CHAIRMAN. No; it was an absolute modification; it was so announced. The language covering this point omitted in the modified order a part of the subpœna, which was abrogated, is as follows: "And also the records, memoranda, books, and papers, showing the number and date of the telegrams sent from Topeka, in the State of Kansas,

from the 1st day January, 1879, to the 25th day of June, 1879." I read it distinctly to the committee and the committee so modified the order. Whether it was a wise modification is another question, but that was the order of the committee.

Mr. RIGGS. I never saw the subpoena until a few moments ago. As I read the præcipe it covers the delivery books; the delivery books are stated in terms.

The CHAIRMAN. I drew the subpoena myself according to my understanding of what was included in the præcipe. Mr. Thomas representing himself as acting for counsel, and I believe it was so understood, desired some alteration in it, and I believe copied it with such alterations as he desired, and I examined it afterwards.

Mr. RIGGS. It is true that the subpoena is vague and ambiguous as undertaking to reach books of that kind, and yet it seems to me there is a construction of the subpoena which would reach those books; and the witness did understand it to include the delivery books because he says he brought them to Washington.

The CHAIRMAN. The original subpoena included all memoranda of every character. I have no doubt the clause is broad enough to cover the books now desired, but the committee did make an order which exonerated the witness from the production of those books and memoranda there specified.

Mr. RIGGS. Do I understand that the committee released the witness from the binding force of the subpoena and that he was authorized to destroy the delivery books?

The CHAIRMAN. The committee took that order before they commenced his examination. Under the impression that they had improvidently issued the subpoena in too broad and searching terms they released him from the production of telegrams after the 1st of March and also from the production of the memoranda and books named in the latter clause of the subpoena.

Mr. RIGGS. That I understand upon the statement of the chairman to have been a final release?

The CHAIRMAN. My understanding was that it was an absolute discharge of the witness from all obligations to produce telegrams after the 1st of March, and to produce the memoranda books covered by the subpoena.

Mr. RIGGS. I have misunderstood it. It was a very unfortunate amendment.

Senator KERNAN. I think I was not here. Probably the committee did not understand at the time that this was aimed at these receipt books.

Senator HILL. No, we did not. Our attention was not called to that point. I supposed they were the books of the company, otherwise not admissible in evidence, because these parties could not be bound by what the telegraph company did in making their own books.

Mr. RIGGS. I ask now for a telegraph subpoena for those delivery books at the office at Topeka, if they have not been destroyed; because since the 2d of January, not a great deal of time has elapsed. We would like very much to have those delivery books produced. So far as every telegram produced here is concerned I take it the committee will want to see the delivery books so as show by some *prima-facie* proof that the parties to whom the dispatches were sent received them.

The CHAIRMAN. The application, then, is for a subpoena for those books?

Senator HOAR. That question, I submit, perhaps might be more easily

considered by the committee when the report of the subcommittee of one in regard to the nature and character of these dispatches comes in.

Mr. RIGGS. That is true, Mr. Senator.

The CHAIRMAN. Meanwhile is there any desire that the telegraph manager present now should telegraph to his agent at home?

Senator HOAR. Colonel Thompson undoubtedly would undertake that that should be done.

Senator KERNAN (to Mr. Thompson). Are you willing to telegraph to the operator at Topeka not to destroy the receipt books of the dispatches delivered, if they have not been already destroyed?

Mr. THOMPSON. Certainly. There is nothing secret about them. We are willing to show to all the world what we do, but what other people write we want to keep behind the screen.

The committee adjourned to meet at the call of the chairman.

WASHINGTON, *January 16, 1880.*

The committee met pursuant to call.

Present, the Chairman, and Senators Hill, Kernan, Bailey, Vance, Cameron, Hoar, and Logan; also, Messrs. Stumbaugh, Webb, and Riggs, of counsel for the memorialists; and Mr. Everest and Mr. Merritt, of counsel for the respondent.

GEORGE T. ANTHONY was announced to be present as a witness called by the memorialists.

Mr. EVEREST. Mr. Chairman, there is one matter perhaps that, as representing the respondent, we ought to call the attention of the committee to, and that more perhaps for the purpose of showing to the committee the embarrassing situation in which we are placed by the failure on the part of counsel representing the memorialists to comply with what we supposed to be the understanding announced by the chairman in regard to those witnesses who failed to appear before the subcommittee in Kansas. We have applied for no witnesses on the part of Senator Ingalls; and we have ascertained that there never has been any compliance with the request made by the chairman, which we understood to be positive in its terms, as to furnishing a detailed statement of what those witnesses who were in contempt would testify to concerning the alleged acts of bribery mentioned in the memorials. The matter was called to the attention of the subcommittee in Kansas by the counsel representing the respondent, so that we might not be placed in any embarrassing situation whatever; and upon that matter being presented the honorable chairman of the committee said as follows; I read from page 593 of the record of testimony in this case:

Are there any other witnesses on either side in contempt, of which fact it is desired that notice shall be taken? If not, I request counsel, upon their responsibility as counsel, to make a full and detailed statement as to what facts they proposed or expected to prove by the parties who are in contempt if they were examined as witnesses, and that they furnish to this committee on or before the 1st day of December next that statement, so that it may be laid before the general committee, in order that they may judge, as to the necessity of calling those witnesses.

To an interrogatory then propounded by the chairman of the committee:

Is there any further matter or thing that it is desired we shall take notice of? Have counsel anything else to bring before the committee?

Mr. Riggs, one of the counsel for the memorialists, in response to that said:

I think I have about emptied myself.

We supposed at that time that that was a fact. We have had no opportunity whatever up to this date to know or to be informed as to what any one of those witnesses who were placed in contempt were going to testify to; what particular charge, that was not withdrawn, they were going to direct their evidence to; and it seems to me in fairness and justice to Mr. Ingalls that that fact ought to have been furnished us in accordance with the request of the chairman. We cannot consent to overlook that matter. We call it to the attention of the committee.

THE CHAIRMAN. I will say now that that suggestion was on my own motion, not by any order of the committee, and it was for the purpose at the time that we might be able, when we came here to report witnesses in contempt, to say whether the witnesses so reported were necessary in this case, in order that this committee might have something before it to determine upon the propriety of asking for the attachment of witnesses. That was the matter that was in my mind at the time. With that suggestion, as has been stated no compliance has been made. The suggestion was not made for the purpose of enabling counsel on the one side to know what counsel on the other side proposed to prove by witnesses. It was put for the purpose of informing this committee as to the materiality of the evidence in order that they might determine the propriety of asking for an attachment for the witnesses in contempt. That was the sole ground I had for making the suggestion. I did not put it in the form of an order. I made the suggestion. I should have been glad if it had been complied with; but it was not complied with, perhaps, owing to the fact of the great distance of the counsel in the case, though I do not know what was the reason. It may have been overlooked just as I overlooked a præcipe for a subpoena that was filed here on the 17th of December until it was called to my attention yesterday. However, the witness is here, and I will say to Mr. Everest that I am sure if the testimony of this witness affects Mr. Ingalls in such manner as that he or his counsel shall deem it proper that witnesses be subpoenaed in reply to it, I am sure the committee will deal fairly and properly with all sides. Proceed with the examination, gentlemen.

GEORGE T. ANTHONY, a witness called by the memorialists, sworn and examined.

By Mr. WEBB:

Question. You were governor of the State of Kansas during the years 1877 and 1878, were you not?—Answer. I was.

Q. State whether at the session of the legislature, held in January, 1879, you were yourself a candidate for the office of Senator of the United States from the State of Kansas?—A. Yes, sir, I was.

Q. Were you personally present at Topeka during what was spoken of and known as the Senatorial canvass at that session?—A. Yes, sir.

Q. Did you have rooms there at any place in the city at which your friends met and consulted?—A. Yes, sir.

Q. In what house or building?—A. In the Tefft House.

Q. On what floor of the Tefft House were your rooms?—A. On the second floor—the first floor above the office.

Q. I wish to direct your attention to two or three members of the legislature, and ask you if you had any interviews with them concerning the Senatorial election, and I begin with one of the representatives from

the county of Crawford. Did you know, about a year ago, James A. Hossack, one of the representatives from the county of Crawford?—A. I knew him.

Q. Do you know whether at the time of his election he was elected to support or instructed to support any particular person for the United States Senate? If you do, state what you know in that regard.

Senator HOAR. What is meant by knowledge in such a question as that? Are you asking the witness for common rumor or asking him for personal knowledge? Was he personally present at a public meeting where the man was nominated?

Q. (By Mr. WEBB.) If you knew by being present at a public meeting, or by interviews with the man himself, that would be knowledge. Did you know for whom Mr. Hossack was instructed to vote?—A. I supposed he was instructed by the sentiment of his district and by the press of his district; the universal sentiment I believe to be that he should vote for me. I was so informed by himself; I was so informed by the press of the county, and by various representative men.

Q. State whether you had any interview with Mr. Hossack in Topeka during the sitting of the legislature and before the election of Senator.—A. Yes, sir.

Q. Can you state on what day of the month it was, or what day of the week preceding the election?—A. I had an interview with him immediately after the organization of the legislature. He called upon me to pay his respects. I cannot remember the day of the month. He stated what his attitude was upon the Senatorial election; that his constituency were in favor of my election to the Senate, and that he came in response to that sentiment, and assured me of his support when the time should come. Subsequently, on a Monday, I do not remember the date, but Monday of the week of the election—

Q. That was the 27th day of January?—A. I had been informed that Mr. Hossack was changing his attitude on the Senatorial election, and on that Monday I sent for him. He came to my room. I heard that he was going to vote in the Republican caucus that was to assemble that night for Senator Ingalls, and I sent a message asking Mr. Hossack to visit me. When he came in I said, "I understand, Mr. Hossack, from rumor, that you design to vote in the Republican caucus to-night for Mr. Ingalls for Senator. Is that true?" He said, "It is true, but I don't think that need worry you. That is a caucus; my constituency has no right to dictate my vote in the caucus; I shall vote for you when the time comes for Senator." I said, to him, "Mr. Hossack, the vote is of more vital importance to me now, perhaps, than it will be at any later period, for in this caucus our party lines are to be drawn, and I have a right to know who are my friends at this time"; to which he replied that, after reaching Topeka, he had been taken to Senator Ingalls' room and had been treated very kindly by the Senator, who had referred him to his friends, and that they had made it for his interest to vote in the Republican caucus for Ingalls for Senator. I said to him, "Mr. Hossack, "What do you mean by making it for your interest?" He said, "They have paid me to do it." He said, "I have placed myself in that position where I think I shall answer my conscience in the matter. We have got to take care of ourselves from this time forth. I have received two hundred dollars to vote in this caucus for Mr. Ingalls, and shall do so, but you can depend upon my vote in the legislature and in the convention." I said a little more to him, and he went out of the room.

Q. State whether on that same day, or the evening of that day, you had any other conversation with him.—A. Between the hours of nine

and ten o'clock in the evening, in company with Mr. Martindale, I went down to Poppendick's, as it is termed, a restaurant, to get some refreshments. Whilst sitting at the table Mr. E. H. Brown, of Crawford County, Mr. Hossack, and Colonel Moonlight, of Leavenworth, were sitting at a table not far away. They were somewhat hilarious, enjoying themselves over their oysters. Mr. Brown came to me and said, "Governor Anthony, Mr. Hossack has got Mr. Ingalls' money in his pocket for voting in the Republican caucus to-night. We have seen the money; and if it is desirable, we can get a written statement from him that he has received this money." I said to Mr. Brown at once, "No, sir; have nothing to do with it. Neither myself nor my friends can afford to be parties to any conspiracy, any trick of that kind, at all. No matter whose money he has got; get no statements; make none." He seemed to acquiesce in the suggestion, which seemed to be a rebuke. I said to him we had one Senator elected by a conspiracy, I believed, and I did not want to be a party to another, and he went away.

Q. Had you any conversation with Mr. Hossack himself on the next day, Tuesday? and, if so, state where it was and what it was.—A. On Tuesday, early in the day, I sent for Mr. Hossack again. I said to him, "Mr. Hossack, I suppose you have redeemed your obligations to Mr. Ingalls and are now ready to go into the legislature and vote for me?" He remarked that he did not get to the caucus the night before, but he said, "I may as well tell you that I propose to vote for Mr. Ingalls for Senator. They have made it to my interest to vote for Mr. Ingalls for Senator." I said to him, "Mr. Hossack, do I understand, then, that your vote is the price of money?" He said, "You may understand it in that way if you choose; it is business." I then drew out a copy of the Republican paper, the Girard Press, and read a paragraph in it of the week before, which substantially stated that the sentiment for my election to the Senate was unanimous; I think the article said there were not two men in the district who thought otherwise, and that their representative would faithfully carry out the wishes of the people. I said to Mr. Hossack, "Can you oppose a sentiment of this kind; everybody knowing that if you do not vote for me it is because you are corrupted?" He replied, "I shall be as pure as others. Senator King represents the same constituency in the senate that I do; he was also your friend. I vote for Mr. Ingalls, and you know he is going to vote for him. They make it worth \$3,000 to him, and I may just as well get a thousand and go back and face my constituency as the senator to face his for the three. I am poor." I said, "Then you are going to vote for Ingalls?" He said, "I am under obligations to vote for Mr. Ingalls to-day, and if they carry out the terms of the agreement made with him and his friends. I shall have to vote for him," and we parted.

Q. You speak of the Girard Press. State if that paper is published at the county-seat of Mr. Hossack's county?—A. Yes; it is.

Q. Who was the editor of the paper?—A. Mr. Riddle is the editor.

Q. A. P. Riddle?—A. Yes. Riddle and Wasser is the firm.

Q. In your conversations with Mr. Hossack, did he state what terms or contract had been agreed upon? You say he said to you that if they fulfilled or performed their contract, he would vote for Mr. Ingalls and stand by him. Did he state what the contract was?—A. Nothing in detail in that conversation, except that it was worth a thousand dollars to him.

Q. In that conversation on Tuesday did he say whether he had or had not received any money?—A. No, sir; nothing beyond what I have said.

Q. Did this conversation occur before or after the meeting of the house of representatives, of which Mr. Hossack was a member, on that day?—A. Before.

Q. Did he state, either in that interview or the interview on Monday, that he had had a personal interview with Mr. Ingalls? and, if so, state what he said in that regard.—A. He said to me in the first interview that he had had an interview with Mr. Ingalls and that Mr. Ingalls and his friends had treated him very kindly and that they had made it for his interest—that was the way he termed it first—to vote in caucus for Mr. Ingalls.

Q. Did you have any other conversation with Mr. Hossack personally on Tuesday than the one you have already related?—A. Nothing more on Tuesday.

Q. Had you a conversation with him on Wednesday?—A. I had.

Q. At what time on Wednesday?—A. I think about nine o'clock in the morning—nine or ten o'clock. He came to my room voluntarily.

Q. State whether the interviews on Monday and Tuesday took place in your room in the Tefft House.—A. In my room.

Q. You say he came voluntarily on Wednesday?—A. Yes, sir.

Q. State what was said by him to you and by you to him in respect to his vote on that occasion?—A. He said he had come to say to me that Mr. Ingalls had not complied with the terms of the agreement made with him of which he had informed me before, and seemed disposed, to use his own language, "to shyster upon it," and that unless they redeemed their pledges before the assembling of the legislature that day he would vote for me and he would continue to vote for me unless they did comply with the terms of the agreement; that he had received a part of the consideration, but the balance they had failed to put in a shape that would satisfy him of the contract being carried out, and that it was his purpose to vote for me to-day, and he said that he should feel much better for himself and much better going home if he would be able to vote for me during the residue of the contest.

Q. Did he, in that conversation, state to you how much he was to receive?—A. Yes, sir; he repeated that he was to receive a thousand dollars, that he was to have half of it, and the other half was to be secured in some way. The details of that security he did not state to me. He was to have half of it and the other half was to be secured to him.

Q. Was that all that was said in that conversation?—A. That was all that was said in that conversation except that I thanked him for his purpose to vote for me.

Q. Do you know whether he did vote for you on that day?—A. Yes, sir; I understood he did. The record shows that he voted for me.

Q. Did you have any other conversation with him subsequent to the one you have just narrated?—A. Yes, sir.

Q. When was the next?—A. The following day.

Q. Thursday?—A. Thursday.

Q. Where did that take place?—A. That took place in my room, No. 15, Tefft House.

Q. Did he appear voluntarily, or did you send for him on that occasion?—A. I think I sent for him; I will not be positive, but I think he came on my invitation on that day.

Q. Just narrate the conversation that took place on Thursday.—A. I said to Mr. Hossack, "Well, sir, you will vote for me again to-day, I suppose." He said, "No, sir; Mr. Ingalls and his friends have come to time and made good their obligation; put it in such a shape that I

am compelled to go back to him, and shall do so, and continue to vote for him during the entire contest as long as he is a candidate." He stated the result that would come to him, and said that in his condition of embarrassment and debt he could afford to do what he was going to do if he was compelled to leave his county or even leave the State, and that his determination was made that he should vote for Mr. Ingalls, and continue to vote for him so long as he was a candidate.

Q. Was anything said by him about his own pecuniary circumstances in that conversation?—A. Yes; in each of the conversations he stated to me that he was embarrassed; that he must take care of himself; that other people were taking care of themselves.

Q. What, if anything, did he say in regard to his constituency taking care of themselves?—A. He said his constituency did not care anything for him after the session was over, and he did not know why he should for them. He made a broad case of it; said if it was necessary for him to leave his county or the State, it was for his interest to do it, and he must do it.

Q. Do you know for whom he voted on that day, Thursday?—A. For Mr. Ingalls.

Q. And on the next day, Friday?—A. The same, I believe.

Q. State whether you had any other conversations with Mr. Hossack than those you have related.—A. None whatever.

Q. You say that he mentioned Mr. Ingalls by name, and spoke of Mr. Ingalls and his friends. Did he name any of Mr. Ingalls's friends with whom he had had interviews or business transactions?—A. I think not. He spoke all the time of Senator Ingalls, and associated his friends with him, and spoke of their kindness. He did not designate any names at all.

Q. Did you know George W. McClintick, a representative from McPherson County?—A. I knew him there. I did not know him before he came there as a member of that legislature.

Q. Did you know Mr. Congdon, the representative from Harvey County?—A. Very well.

Q. State whether you had any conversation with Mr. McClintick at any time?

Senator LOGAN suggested that this course of questioning would bring in the statements of persons not under oath.

Mr. EVEREST. Surely it cannot be possible that counsel are introducing evidence now to show that Mr. McClintick's vote was in any manner corrupted. The testimony can only be for the purpose of corroborating McClintick.

Mr. RIGGS. Let me state what we offer. At Topeka we asked for a subpoena for Mr. McClintick, which was accorded us. The sergeant-at-arms, in his return, reported Mr. McClintick lying at the point of death, as he was at the time. His testimony was not taken formally before the sub committee at Topeka. There was before that committee, however, testimony taken by a legislative committee of the legislature of Kansas, to which these memorialists were not in any sense a party, the examination being conducted by the chairman of the committee, and nobody being present except the committee itself and the witnesses. That examination we believed to be partial, and so stated to the sub-committee at Topeka. We desired Mr. McClintick's testimony. After this return was made, the question was made as to whether we could or could not agree on the printed testimony in the little volume published by the legislature as McClintick's testimony, and in answer to the question put by the chairman, which you will find on page 468:

Do counsel for the memorialists under any contingency propose to use the testimony of Mr. McClintick before the legislative committee?

I replied :

We do not.

Then the question arose whether or not we could not agree on the testimony of three or four witnesses who might be offered, for the purpose of getting rid of certain witnesses then in attendance, and you will notice on page 469 that I said :

We make the reservation that if Mr. McClintick shall be able to appear we may take his testimony; and if not, we are willing to admit the printed testimony before the legislative committee on the subject of offers to him. With the understanding that the testimony of the three or four witnesses we shall name touching his statements to them will be received on the same terms, we offer the testimony of Mr. McClintick as taken before the legislative committee. That gets the case before this committee.

After a suggestion by the Chairman and one or two others by counsel, the Chairman said :

If we admit a part of it we have a right to let it all in.

And Mr. Everest, of counsel for the respondent, said :

That is satisfactory to us. It can be read and taken down by the stenographer—the testimony of Mr. McClintick, Mr. Coates, Mr. Puterbaugh, and Mr. Tolle.

Accordingly the statements made by them before the committee of the legislature of the State of Kansas were incorporated in this record. The testimony, as you will observe, of Puterbaugh, Coates, and Tolle, in its bearing, tended to a contradiction of the statements of Mr. McClintick, or to show that his statement before the legislative committee was but partial, because while admitting that it was true as far as it went it was but partial. Now, we offer to prove by this witness, as tending to show other acts of bribery, as tending to show a disposition on the part of Mr. Ingalls and his friends to resort to corrupt practices, that this man McClintick, a member of the house, not only was offered, but actually received money and retained it over night and then returned it under the advice of Governor Anthony, or returned it, perhaps, just before the conversation of Governor Anthony. We offer it for the purpose of throwing light upon the question of the disposition of Senator Ingalls and his friends to resort to such means. That is the offer we make now, and the testimony will be in corroboration of the testimony of Mr. Coates and of Mr. Puterbaugh that went into the record under the agreement to which I have referred.

This is a part of the *res gestæ* beyond any question. It is not an offer; it is an act that we propose to prove, and one as to which, of course, the respondent, if he desires, should have an opportunity to produce rebutting proof.

Senator CAMERON. What act do you propose to prove by this witness?

Mr. RIGGS. The payment of money by—

Senator CAMERON. If you could prove the payment of money, that would be one thing; but I understand your offer to be to prove an admission to this witness that money was paid.

Mr. RIGGS. As I stated before the sub-committee, our difficulty grows out of this, that Mr. McClintick was lying at the point of death, not only as was reported, but we had afterwards reason to believe; we could not get the testimony of Mr. McClintick. We had reason to believe, and do believe, that if Mr. McClintick had been produced he would have stated all the facts. He never yet has been reached. No subpoena has been given us for Mr. McClintick in Kansas; he could not be had; and although

our application has been pending since early in September last, we have not yet had a subpoena awarded us for Mr. McClintick. It is under these circumstances, and for the purpose of the confirmation of statements made by Mr. Puterbaugh and Mr. Tolle, witnesses by the record, that we offer testimony of Governor Anthony as to conversations occurring at the very time with this representative, who admitted himself that he had received money, which he, however, returned.

Senator HILL. Do you expect to prove by this witness anything different from what is already proven?

Mr. RIGGS. No; we expect to prove more than has been already proven. We expect to prove that while Mr. McClintick's statement was true, it was not the whole truth.

Senator HILL. I think the testimony ought not to be received, as it is proposed to give the statement of a third person not a party to any crime.

Senator VANCE. The proposition now is different from that first made. It is proposed now to prove something else that the witness McClintick did not swear to, and therefore I think it is not admissible.

Senator BAILEY. I agree with Senator Vance. An independent and substantial fact cannot be proved by the declaration of a witness.

The CHAIRMAN. I think McClintick's admissions may be proved.

The vote being taken on the admission of the question propounded by Mr. Webb, Senators HILL, KERNAN, CAMERON, HOAR, and LOGAN, voted in the negative.

Senator VANCE. I vote "no" on the question as explained by Mr. Riggs.

Senator BAILEY. To the extent that this testimony is offered to sustain the statement made by Mr. McClintick on his examination, I vote "aye"; to the extent that it is offered to prove a distinct and substantial fact given beyond that, I vote "no."

The CHAIRMAN. The committee decide that the question is not admissible. Proceed with the examination.

Q. (By Mr. WEBB.) Do you know, Governor Anthony, a Mr. A. C. Dawes, who is generally spoken of as Colonel Dawes?—A. Yes, sir.

Q. Do you know whether he was in the city of Topeka during the Senatorial canvass in 1879?—A. He was most of the time.

Q. Did you see him and have any interview with him there at the time?—A. Yes, sir.

Q. Can you fix the day or evening of the day on which you had such interview? If you can, fix it and state where it was.—A. I met him almost every day. I think I never had but one interview that was private in its nature, and that was on Wednesday evening, at his solicitation.

Q. That was the 29th of January?—A. Yes, sir.

Q. Do you know in whose interest he was at Topeka?—A. He avowed openly that he was there in the interest of Senator Ingalls.

Mr. EVEREST. What is the object of that evidence? If the object is to contradict or impeach Mr. Dawes, I object to it because his attention was never called to any such thing.

Senator HILL. They seem to put it on the ground that this man was working in the interest or as agent of Mr. Ingalls.

Mr. EVEREST. Very well, if that is the ground; but I think his attention ought to have been called to it when he was on the stand.

Senator HOAR. If there is agency in the sense of authority given by the party, that would make the acts of the agent within the scope of his agency competent, and his declaration within the scope of the agency competent; but certainly every person who advocates earnestly the

election of a candidate for a public office is not his agent in any such sense.

The CHAIRMAN. The strict rules governing the production of testimony in courts of law have not been applied in such investigations as this. Testimony quite as much hearsay as this has been offered by both sides. There never was an investigation before this committee since I have been a member of it, where there has been a restriction in the admission of evidence controlled by the strict rules that govern its admission in courts of law.

Senator HILL. What is it proposed to prove by Governor Anthony?

Mr. WEBB. We expect to prove by Governor Anthony that at the time an Anthony caucus was in session, as distinguished from the general Republican caucus, he was called out of the caucus, where he was personally present, by Mr. Dawes, and these propositions were made to him by Dawes to get out of the way, and offers of place, position, and patronage tendered him by Mr. Dawes, claiming to act under authority of Mr. Ingalls for that purpose.

Senator HILL. I think that is admissible.

Senator KERNAN. It is different from the other.

The CHAIRMAN. Shall the question be put?

The committee decided, without any votes in the negative, that the question was admissible.

Q. (By Mr. WEBB.) I call your attention, Governor Anthony, to an interview that you had with Mr. Dawes on the evening of Wednesday, the 29th of January. State where it occurred, at whose solicitation, and what propositions or statements were made by him to you and your replies.—A. I was attending a meeting of my friends in a hall outside of the Tefft House when a messenger came to the door and wanted to see me, and said Col. A. C. Dawes was in my room and wanted an immediate interview. I stated to the caucus that I was sent for and would be back in a few moments. I went to my room; Colonel Dawes was there. We crossed the hall from No. 15 into a small room, and he turned the key after him, and said to me that he was sent by Senator Ingalls to have an interview with me; that while he was friendly to me, yet he was there in the interest of Senator Ingalls, and they were going to accomplish his election; that if I would withdraw from the candidacy at that time and turn my support over to him, it would end the whole question at once and the next day would result in the election of Mr. Ingalls; that he was authorized to say to me that if I would do that they would place in my hands then and there the resignation of the postmaster at Leavenworth. I responded at once that I had no ambition to be postmaster. He said, "We don't expect it, but we will place the resignation of the postmaster at Leavenworth in your hands that you may name a successor; we want a conference; Senator Ingalls wants a personal conference with you to confirm this, that he will give you control of all the patronage in the first Congressional district that he as Senator could control." I responded to Colonel Dawes that I looked upon it as a corrupt proposition in the first place, that I had no property in members of the legislature and had not the power to transfer a single vote to Senator Ingalls, and that I should remain a candidate as long as we deemed it just and right in asserting our position before the State. Besides, I had no confidence any way in any dealings with them.

Q. Dealings with whom?—A. With Senator Ingalls and his friends. I declined to say more about it, and returned immediately to the meeting of my friends and stated to them precisely what had occurred; that it came nearer to being approached with a bribe than anything I had

ever experienced in my life; I stated to the caucus precisely what had occurred.

Q. Did you state that openly to the caucus of your friends after returning to them from the interview with Colonel Dawes?—A. I did.

Q. You used the form of speech in repeating the proposition made by Mr. Dawes to you, that "if you would withdraw from the canvass and turn your friends over to him"; did you mean over to Mr. Ingalls?—A. Yes, sir; to Senator Ingalls.

Mr. WEBB. I believe that is all we have to offer under the decision of the committee in the McClintick case.

Cross-examined by Mr. EVEREST:

Q. You were subpoenaed as a witness on the part of the memorialists before the sub committee in Kansas, were you not?—A. I was.

Q. Did you attend at Topeka at the sitting of that committee?—A. I did not.

Q. At what place was the sitting of the committee had?—A. I believe in the court-house.

Q. In what place, Topeka?—A. At Topeka; yes, sir.

Q. Were you in Topeka during the session of that committee?—A. I was in Topeka several times.

Q. After you were subpoenaed as a witness?—A. yes, sir.

Q. How many times?—A. I cannot say; I think three time.

Q. How long did you remain on those several occasions?—A. I remained until the business that called me there with General Manager Strong of the Atchison, Topeka and Santa Fé Railroad was closed, and then I left there; I was there on business.

Q. Did you have any conferences at that time with parties representing the memorialists?—A. No, sir; nothing that could be called conference that I know of.

Q. Did you see any of the memorialists or their counsel?—A. Yes, sir; I saw both sides; I saw you.

Q. Did you state to them at any one of those interviews what your testimony would be?—A. No, sir; I think not, except in general terms.

Q. Did you tell them what your testimony would be with regard to the interview with Mr. Dawes?—A. No, sir.

Q. Did you tell them what your testimony would be with regard to the interviews with Mr. Hossack?—A. I may have done that. I stated to some of the committee, I know, what it would be.

Q. Did you see Mr. Dawes while at Topeka, during the session of the sub-committee in Kansas?—A. No, sir; I do not know that he was there personally.

Q. Did you see Mr. Hossack at Topeka during the session of the sub-committee?—A. Not to speak with him.

Q. Did you see him?—A. I do not know. I think I saw him pass the hotel on the street one day.

Q. Did you read what purported to be the evidence that was given before that sub-committee, as detailed in the papers?—A. No, sir.

Q. Have you never read it?—A. Only a little; not a twentieth part of it.

Q. Did you read the evidence of Mr. Dawes?—A. No, sir.

Q. Did you read the evidence of Mr. Hossack?—A. No, sir.

Q. You knew that they were summoned there as witnesses, did you not?—A. No, sir; not as a fact; I did not know that.

Q. You did not know it?—A. I did not know it. I did not think Colonel Dawes would be.

Q. Have you no knowledge that Colonel Dawes and Mr. Hossack were examined as witnesses before the sub-committee?—A. I never heard that Mr. Dawes was examined there till now. Mr. Hossack I supposed was, though I did not read his testimony.

Q. You were aware of the same facts at the time you refused to testify at Topeka that you are now?—A. Yes, sir.

Q. You were an opponent in that Senatorial contest of Mr. Ingalls, were you not?—A. I was a contestant for the place.

Q. The contest was quite a bitter one, was it not?—A. It was a very determined one.

Q. Your friends were quite bitter as against the friends of Mr. Ingalls, were they not?—A. No, sir; I think not, in the broad sense of that word. Some of my friends were warm friends of Mr. Ingalls, except for that position. Some of them were very bitter.

Q. Have you taken any interest in the matter of these memorials now being heard before this committee?—A. Very little.

Q. Have you contributed any money to the prosecution of the case?—A. Not a dime.

Q. Have you been in consultation with the memorialists or their counsel, concerning the proceedings connected with the case?—A. No, sir.

Q. Did you have a talk with the memorialists or their counsel about your not appearing before the sub-committee in Kansas?—A. I had a talk with a good many about it. Who do you mean by "the memorialists"?

Q. I mean Mr. Eggers, Mr. Stumbaugh, Mr. Webb, and Mr. Riggs, the counsel.—A. I had a conversation with Mr. Webb and Mr. Riggs, probably with Stumbaugh, but not further.

Q. During the session of the sub-committee in Kansas?—A. Yes, sir.

Q. Did you know that Mr. Riddle, the editor of the Girard paper, was a witness before that sub-committee?—A. I did not.

Q. Did you read the evidence that he gave there?—A. I never read it.

Q. Do you know him?—A. I do.

Q. Is he a truthful person?—A. I supposed so until he stated to me that the delegation from that county was for me in the legislature. He was mistaken about that.

Q. Will you state to the committee who were the representatives in the legislature from that county?—A. There was Mr. Hossack, a Republican, and there was Mr. Majors, who was a Greenback man, I believe.

Q. What senator represented that county?—A. Ping.

Q. Do you say that the entire delegation were for you?—A. No, sir; I have not said so. I supposed that Senator Ping was for me, and Mr. Hossack, both being Republicans. I had always been assured of that.

Q. How did you gather that; by rumor or by direct conversation?—A. By direct conversations and communications.

Q. With Mr. Ping?—A. Yes, sir; early in the canvass up to within a few months of the time Senator Ping announced himself for me.

Q. Do you say that Senator Ping announced that he would support you?—A. He was one of the first men in the State of Kansas who urged me to be a candidate for the Senate.

Q. You have stated to the committee the conversation you had with Mr. Dawes?—A. Yes.

Q. Do you know whether Mr. Ingalls had any knowledge of that conversation?—A. I do not; further than his statement to me.

Q. You conveyed no information of that kind to Mr. Ingalls or his friends?—A. No, sir; except to a friend that subsequently came.

Q. Mr. Riddle, the editor of the Girard paper, was a friend of yours, was he not?—A. I supposed so always.

Q. Was he not active in your support?—A. He always has been.

Q. And was during that contest?—A. That I do not know. He was an officer of the house, I believe, and I do not know that I had much chance to see him. Certainly he announced himself so after the meeting of the legislature to me two or three times.

Q. Do you say your relations with Mr. Ingalls then were not of a character that might be termed bitter?—A. I have not said any such thing.

Q. What is your relation with him personally and politically?—A. Personally our relations are very pleasant.

Q. You have not expressed yourself of him in very bitter terms?—A. Well, I have never expressed any confidence in the integrity of the man. I do not believe he possesses it.

Q. You have taken no interest at all in the prosecution of this matter?—A. Very little. I deprecated its organization and progress.

Q. You say that you saw Mr. Hossack at Poppendick's restaurant, and that he and his friends seemed hilarious. What do you mean by that?—A. I thought they had indulged in a large amount of beer.

Q. What you meant was that they were intoxicated to some extent?—A. Yes, sir; feeling very well.

Q. Was Mr. Hossack intoxicated too?—A. I should think that he was feeling as well as any of them.

Q. As boisterous?—A. As boisterous.

Q. And he was accompanied by Brown and Colonel Moonlight?—A. Yes, sir.

Q. Were they both hilarious?—A. They seemed to be feeling very well.

Q. Was it E. A. Brown of Girard that you refer to?—A. Yes, sir.

Q. Where did you board during the Senatorial contest?—A. I boarded at Mrs. Ewing's, where I had been boarding for two years.

Q. Without entering into your own canvass, which I have no desire to do, I ask you whether a great many of your friends and the friends of other candidates did not make statements during that canvass that were not exactly approved by their principals?—A. Indeed, I do not know.

Q. You had a good many men supporting you that talked a great deal that you knew nothing of?—A. I knew nothing of it. If they did talk, I did not know it.

Q. Mr. Legate was supporting you, was he not?—A. I never supposed he was at heart. It was only ostensibly.

Q. Did he vote for you?—A. Yes, sir.

Q. Did he vote for you as long as you were a candidate?—A. I suppose he did.

Q. Did you approve of all he said and did?—A. I never believed that he intended I should be elected.

Q. Just answer my question.—A. I do not know what he said. I do not know anything to disapprove.

Q. Have you read his testimony given before the subcommittee?—A. I never have.

Q. Did you not select him as one of your managers during that contest?—A. No, sir; never.

Q. Did you not go to him and personally request that he should rep-

resent you on the floor of the caucuses that were held, and on the floor of the joint convention?—A. I never did.

Q. You never read his testimony given before the sub-committee?—A. I never read it.

Q. You know whom he voted for in the convention?—A. Yes, sir; well.

Q. He did not vote for Mr. Ingalls at all?—A. No; he voted for me.

Q. There were a great many gentlemen at Topeka who were representing the various candidates, were there not?—A. That is a very difficult question to answer. There were those who were for an honest candidate, Colonel Phillips, Senator Ingalls, Mr. Simpson, and myself.

Q. They were all represented by quite a gathering of the friends of each individual candidate at the capital, were they not?—A. Yes, sir; all of them had more or less friends there, in and out of the legislature.

Q. Your canvass was carried on to a great extent by your friends soliciting votes, was it not, by personal solicitation of votes?—A. I do not think it was in that meaning of the term.

Q. Did you solicit votes yourself, personally, for the position?—A. Yes, sir; I think so.

Q. Do you mean to be understood that your friends did not solicit any one to vote for you?—A. I should like to be fully understood about this. I mean to say that I was there substantially without an organization that undertook to govern and control votes beyond that which was understood to be the sentiment at the time of the election of the members.

Q. You say of the gentlemen who were supporting you that there were many warm friends of Mr. Ingalls?—A. Yes, sir.

Q. State to the committee how it was, then, that those gentlemen who supported you, finally went into the anti-Ingalls caucus and supported another man?—A. I suppose for the reason that they preferred some other man in preference to Ingalls. I think so.

Re-examined by Mr. WEBB :

Q. Counsel asked you if, while the subcommittee were holding their sessions in Topeka, you had an interview with counsel for the memorialists, to which you replied that you had an interview with Mr. Riggs and myself. State whether or not at such interview counsel for the memorialists urged you to go before the subcommittee and testify?—A. That was the essence of the interview sought by the counsel, to urge me to go before the committee there and testify.

Q. State why you declined to go before the committee—not what you told us; but why did you decline to go before the subcommittee in Kansas?—A. I declined to go before the committee there because I was a candidate before the legislature for the place now held by Senator Ingalls, and I felt that I could not preserve my self-respect nor could I occupy a position that would not be liable to misconstruction if I was a voluntary witness as against the tenure of his place. I was an unwilling witness; I am so to-day. I stated to the chairman of the subcommittee that I never should appear as a witness until compelled by the mandate of the Senate. I knew that the subcommittee had not power to enforce it, and I felt that I could not appear, and I appear to-day reluctantly as a witness in the case because of the fact that I was connected with the canvass and was a competitor for the place held by him. I should have greatly preferred to testify there but for what I believed to be a sense of honor and duty and obligation that I owed to myself and my friends.

Q. Counsel asked you if you had told Senator Ingalls of the propositions or statements made you by Mr. Dawes, to which you answered that you had not, and then you commenced saying something about telling it to somebody else, some of his friends, or he asked you if you told it to his friends and you commenced making a response which was cut off by some other question.

Mr. EVEREST. That is hardly material. I did not design to cut him off, and I understood him to answer explicitly.

The WITNESS. I understood Mr. Everest to ask if I had stated it to him or anybody else of his friends. I started to say that I was approached after that caucus that night by one of his friends, to whom I did state what had occurred between Colonel Dawes and myself, and the same ground was gone over with a second appeal on the same ground by another gentleman.

Q. (By Mr. WEBB.) I now ask who was the friend of Senator Ingalls who approached you on the subject and to whom you stated what Mr. Dawes had said to you?—A. Col. H. B. Johnson, I think his name is, the law-partner of Attorney-General Davis.

Q. An attorney practicing law then in the city of Topeka?—A. Yes, sir.

Q. You say that Mr. Johnson was a friend of Mr. Ingalls?—A. He came to me as such; said he came by authority.

Q. And you stated to him what Mr. Dawes had proposed to you?—A. Yes, sir.

Q. You say that Mr. Johnson said that he came to you by authority. Did he state by whose authority he came to you?—A. The authority of Senator Ingalls and his immediate friends.

Q. He so stated to you at that time?—A. Yes, sir.

Q. Counsel directed your attention to Mr. Legate. I ask you if he was one of the representatives of the city of Leavenworth, the city in which you reside?—A. Yes; he is a representative from there.

Q. A member of the house of representatives from your own city?—A. Yes, sir.

Q. You stated that you did not regard him as one of your friends but that he voted for you. State whether or not, if you know, that vote for you was in accordance with the requirements or wishes of his constituents?—A. Yes, sir; there was no question about that. It was absolute instruction all the way through so far as that district was concerned.

By Senator VANCE:

Q. In the examination of Mr. Hossack and others at Topeka there was much said about Mr. Hossack being intoxicated during these transactions. What have you to say about that in the interviews he had with you?—A. Mr. Hossack was always sober at all times when I saw him there except that evening when I saw him at the restaurant, and at that time, while he was not drunk really, yet, after all, all three of them were affected by spirituous or malt liquors. In my judgment they were all on a spree.

By the CHAIRMAN:

Q. That was the interview on Monday night?—A. Yes, sir; when I saw them together on Monday night. Aside from that, Mr. Hossack when in my presence was sober at all of these conversations.

The committee adjourned until to-morrow at 10 o'clock a. m.

WASHINGTON, *January 17, 1880.*

The committee met pursuant to adjournment.

Present: The Chairman and Senators Hill, Kernan, Bailey, Vance, Cameron, Hoar, and Logan.

Also, Messrs. Stumbaugh, Webb, and Riggs of counsel for the memorialists, and Messrs. Everest and Merritt of counsel for the respondent.

EDWARD B. PURCELL, a witness called by the memorialists, sworn and examined.

By Mr. WEBB:

Question. Do you reside in the city of Manhattan, in the State of Kansas?—Answer. I do.

Q. Is Manhattan on the line of the Kansas Pacific Railway?—A. Yes, sir; it is.

Q. In what direction and how far from Topeka, the capital of the State?—A. Fifty-five miles west of Topeka.

Q. State what your business was in January last?—A. My business was that of a general merchant and banker. I run both separate businesses.

Q. At Manhattan, your place of residence?—A. Yes, sir.

Q. Are you still engaged in that business?—A. Yes, sir.

Q. State whether you did in January last frequently go from your place to Topeka and return on the Kansas and Pacific Railway?—A. I did several times.

Q. During that month how did the trains run with respect to leaving your place and arriving at Topeka and returning?—A. They left our place at about 12 o'clock noon, and got into Topeka about half past 2 in the afternoon. There was a train in the night that left our place about 3.29 and arrived in Topeka about 6 in the morning.

Q. Returning from Topeka to your place, how was it?—A. We left Topeka at 2.10 and arrived at Manhattan after 4 p. m.

Q. Was there a night train?—A. Yes, the night train left at 1 and arrived there about 5 in the morning.

Q. Are you acquainted with Byron Roberts, of Topeka?—A. Yes, sir.

Q. Did you know him in January last, and know what his business was?—A. I did.

Q. What was his business?—A. Cashier of the Topeka Bank.

Q. State whether you, in January last, received any money from the Topeka Bank.—A. I did.

Q. On what day of January?—A. The 25th day of January.

Q. What amount of money?—A. \$5,000.

Q. In what shape or condition was it?—A. My recollection is that it was in packages of a thousand dollars each, but it may have been in five hundreds.

Q. Did you make personal application at the bank for the money?—A. I made personal application to Mr. Mulvane, the president of the bank.

Q. At what time of the day?—A. I think between nine and ten o'clock of the 25th. I went in and told him I should like to have \$5,000 in currency, and asked him if it would be convenient for him to let me have it, and he said entirely so, that or more. I told him I would call in about noon and get it.

Q. Do you know whether Mr. Byron Roberts was present in the bank at that time or not?—A. I think not. I am quite certain he was not.

Q. This conversation was between yourself and Mr. Mulvane, the

president of the bank ?—A. Yes, sir ; I never speak to anybody else there concerning money except the president of the bank.

Q. Was it a frequent matter for you to obtain these large sums in currency from that bank ?—A. We frequently do. That is, sums of one, two, three, or four, or five thousand dollars occasionally.

Q. You can state whether after this conversation between yourself and Mr. Mulvane you returned to the bank again ?—A. I did.

Q. At what hour of the day ?—A. About half past twelve. I do not think it was five minutes difference from that—from twenty-five to thirty minutes past twelve o'clock.

Q. From the time of the conversation between yourself and Mr. Mulvane to the time you returned to the bank, did you see Byron Roberts ?—A. I may have seen him about the Tefft House ; he was there most of the time.

Q. Did you see him at the bank ?—A. No, sir ; I did not.

Q. Did you have any conversation with him about any money to be obtained by you from the bank ?—A. I never did.

Q. You state that you returned to the bank about half past twelve. For what purpose ?—A. To get the currency.

Q. Was any one with you at the time ?—A. Yes, sir.

Q. Who was it ?—A. James T. Ritchie.

Q. Who is he ?—A. He has charge of my business when I am from home ; he is my confidential clerk.

Q. For what purpose was he at Topeka at that time ?—A. He came there to get the currency.

Q. By whose direction did he so come ?—A. He came there by the direction of the cashier of the bank, Mr. Webb, who acts as cashier of the Manhattan Bank, which I own. He thought they would very likely need, on Monday, currency more than they had, and Mr. Ritchie came down on the morning train, and came to me ; and when I first saw him I was at breakfast. I told him we would go down town, and I would step into the bank. I did so, and saw Mr. Mulvane, as before stated.

Q. The 25th of January, then, was on Saturday ?—A. Yes, sir.

Q. Yourself and Mr. Ritchie went to the bank at the hour designated by you ; who was in the bank at that time ?—A. A gentleman they called Mr. Thurston.

Q. What is his position ?—A. He is teller or assistant cashier ; he acts there ; I do not know really what his title is. I suppose he is assistant cashier.

Q. Was there any other person in the bank ?—A. There was lady in there.

Q. What lady ?—A. Mr. Thurston's wife, I understand.

Q. A clerk in the bank ?—A. Yes, sir ; I always see her there when I am in the bank during banking hours.

Q. Did you get the currency at that time ?—A. I did, at half past twelve.

Q. Was Mr. Byron Roberts there ?—A. No, sir.

Q. Who delivered the currency to you ?—A. Mr. Thurston.

Q. State the conversation between yourself and Mr. Thurston ; and what took place, if anything, in connection with the receipt of the currency by you ?—A. Mr. Thurston passed it up to the opening in the counter, and said he, "Do you want it counted ?" I said to Mr. Ritchie, "I guess you had better count it." Mr. Ritchie took the package, and I motioned him to go back ; I am very well acquainted there. I went into the back room, the president's office. I pulled up a couple of chairs

and we sat down. I may probably have counted a thousand dollars of that money. Mr. Ritchie counted the balance. He did the money up then in two packages, and put them in his side pocket. Said I, "Ritchie, we will go over and get our dinner." We went and got dinner.

Q. Was Mr. Thurston present in the bank at the time of that conversation between yourself and Mr. Mulvane in the morning?—A. It is altogether likely he was. In the morning I simply went in and went back into the bank. My judgment is that he was.

Q. When you went in with Mr. Ritchie to get the currency did Mr. Thurston make any reference to Mr. Mulvane or his directions?—A. He seemed to understand exactly what I came for, and said that Mr. Mulvane had waited for me several minutes, but had gone to dinner.

Q. You stated that you and Mr. Ritchie counted the money?—A. Yes, sir.

Q. In what condition was it placed after that?—A. Mr. Ritchie put the money in two packages and put it in his inside pocket.

Q. Then where did you and he go?—A. I then said to him, "Ritchie, we will go along and get our dinner." I was stopping at Poppendick's. We went to Poppendick's and ate our dinner. He said it was time to go. I said, "I probably will not be home for several days." He started for home and that was the last I saw of him. He took the 'bus right at the door for the train.

Q. Did Mr. Ritchie take the currency with him?—A. He did.

Q. How much of it?—A. \$5,000.

Q. The whole of it?—A. Yes, sir; all of it.

Q. Did you or Mr. Ritchie, on that day, receive any other currency or any other funds from the Topeka Bank?—A. No, sir.

Q. Do you know what Mr. Ritchie did with that currency?—A. Yes, sir.

Q. State what he did with it.—A. He took it home and delivered it to Mr. Webb, the cashier of our bank.

Q. You have already said he came to Topeka for the purpose of getting that currency?—A. Yes, sir.

Q. And he took it back with him?—A. He did.

Q. State whether or not that currency was sent by express.—A. No, sir; there was no occasion to send it by express.

Q. He came down on the morning train you say?—A. He did.

Q. Reaching Topeka about six o'clock?—A. About six o'clock.

Q. And then returned on the train, leaving Topeka at what hour of the day?—A. It was about two o'clock.

Q. State whether you had previously received currency in sums of from one to five thousand dollars?—A. Very frequently in sums of two or three thousand dollars. Mostly when we want currency we order two or three thousand dollars at a time.

Q. Did you always receive any currency from the Topeka bank which was sent from that bank to you by express?—A. Not when I was there in person. When we ordered by mail we did.

Q. Did you frequently get currency in person?—A. I am not very often in Topeka. I happen to be there but seldom. If I happen to be here when we need currency, I take it with me.

Q. Did you say anything to Byron Roberts about sending that money by express?—A. I never did.

Q. Did you say anything to any person about sending that money by express?—A. I never did.

Q. What, if anything, did you give as an evidence of the receipt of the money?—A. I gave my check.

Q. Have you it here?—A. Yes, sir.

Q. Will you produce it?—A. Yes, sir. (Exhibiting.)

Q. You may first hand it to Mr. Everest, counsel for respondent.

Mr. EVEREST. I do not care to see it. I believe Mr. Roberts testified about it.

Q. (By Mr. WEBB.) You hold in your hand the check which you gave at the time you received the money?—A. I do.

Q. Signed by yourself?—A. Yes, sir.

Q. What is the date of it?—A. 25th of January, 1875; but the "75" is a mistake. It should be 1879.

Mr. EVEREST. We prefer to have the check itself, inasmuch as you have produced it.

Mr. WEBB. Certainly. (To the witness.) What is the date of that check?—A. 25th of January; it is down here 1875; it should be 1879.

Q. (By Mr. WEBB.) I ask for its date on its face.—A. "Topeka, Kansas, 25th January, 1875."

Q. State if that check was written and signed by you?—A. Yes, sir.

Q. On what day, giving the day, month, and year?—A. The 25th of January, 1879.

Q. The year, then, on the face of the check is a mistake?—A. Yes, sir.

Mr. WEBB. If counsel have no objection to that going in, you may hand it to the reporter.

The CHAIRMAN. The check can be copied and handed back to the witness.

Mr. EVEREST. We prefer to have the original check left here for the present. It can be returned afterwards.

Senator CAMERON. It is not a blank "75," but the "5" is put in in ink.

The check was received in evidence, and is in the following words and figures:

Capital paid up, \$160,000.	No.	Topeka, Kan., 25th Jan'y, 1875.
[Printed heading with vignette of banking house.]	TOPEKA BANK.	
United States		
Internal Revenue	Pay to me or bearer five thousand dollars.	
2 cent stamp.	\$5,000.	E. B. PURCELL.

On the back of the above check is stamped:

Topeka Bank.
Jan. 25, 1879.
Paid.

Q. (By Mr. WEBB.) State whether you have a statement from the Topeka Bank for the month of January, 1879, showing the account between that bank and your bank?—A. I have.

Q. Will you produce it?—A. Yes, sir. (Producing paper.)

Q. Was there any arrangement or talk between yourself and Mr. Mulvane as to when and in what manner this \$5,000 should be repaid?—A. I told him I would send exchange for it.

Q. How soon?—A. That as soon as Mr. Ritchie would go home he would send it that day; that is, it would be made up and come down on Sunday, the next day.

Q. State whether the exchange was sent by your bank to the Topeka Bank?—A. Yes, sir; enough exchange was sent to make our account good.

Q. When was that sent?—A. The letter was mailed on Saturday night, the 25th, reaching Topeka on Sunday, the 26th, and was credited to the account of the bank on the 27th, Monday.

Q. Have you any letter, or copy of a letter, of your bank transmitting that exchange?—A. I have a copy of the letter.

Q. Will you produce that?—A. Yes, sir. (Producing paper.)

Q. State now whether, in the statement of the account which you have produced, the transaction regarding the \$5,000 you have testified to appears.—A. On the 25th of January we are charged with \$5,000.

Q. Who is charged with it?—A. The Manhattan Bank.

Q. That is your bank?—A. Yes, sir.

Q. That is upon the debit side of the account?—A. Yes, sir.

Mr. EVEREST. Will not the account show for itself?

Q. (By Mr. WEBB.) What is there on the credit side?—A. On the 27th of January we were credited with \$4,075.75, the amount of remittance made by us on the 25th.

Q. How did that leave the account on that day between the Manhattan Bank and the Topeka Bank?—A. It left a balance in favor of the Manhattan Bank.

Q. Then, at the time you drew the \$5,000 in currency, on the 25th of January, the Topeka Bank was indebted to your bank?—A. Yes, sir; we had a credit there.

Mr. WEBB. Mr. Chairman, we offer that statement of account and the letter in evidence.

Mr. EVEREST. The letter is not a press-copy of the original; but we make no objection.

The letter and statement were received in evidence, and are as follows:

(Printed heading:)

E. B. PURCELL,
Banker.

JNO. W. WEBB,
Cashier.

MANHATTAN BANK.)

MANHATTAN, KAS., Jan'y 25, 1879.

BYRON ROBERTS, Cas.,
Topeka, Kas.:

DEAR SIR: Your favor of ——— received, enclosing ———

We enclose for credit:

1st Nat., L'worth	\$3,000
B'k Kas. City	1,000
You	75 75
	<hr/> \$4,075 75

Resp'y,

JNO. W. WEBB, Cashier.

Monthly statement.—Manhattan Bank, Manhattan, Kans., in account with Topeka Bank and Savings Institution.

Dr.

(Please examine and report within ten days.)

Cr.

Jan. 2. 13,856..... \$13

21. 122 49

57. 139 75

23. 8 28

25. 5,000

29. 20

31. 216

Bal 471 99

6,011 23

We Dr. int..... \$2 70

(In pencil:) How is this?

1879.

Jan. 1. Bal..... \$15 42

2. S. Collec., Emporia, Ka. 100

3. " " " 450 76

20. S. " " " 419 50

21. " " " 245

27. Rem. by mail $\frac{1}{2}$ 4,075 75

29. College scrip 644 80

" 17072 on us 60

6,011 23

Feb. 1. Bal 471 99

(In pencil:)

Our bal 627 99

17072 60

687 99

Rem. 31..... 216

471 99

Q. (By Mr. WEBB.) You may state whether, at any time after Mr. Ritchie and yourself separated and he started for the train on the 25th of January, with the \$5,000 in his pocket, you received or handled any portion of that \$5,000?—A. I did not.

Q. Neither in packages nor loosely?—A. No, sir.

Q. You may state whether, subsequently to the time of the receipt by you of the \$5,000 which you have testified about, you received any money from the Topeka Bank, in the month of January, 1879?—A. (Examining statement.) No, sir. There was nothing but a small check or draft which the bank had drawn. On the 2d of January we are charged with \$13.

Q. My question was as to money received after the 25th of January?—A. No, sir; we received none.

Q. State whether that account shows all the money transactions between the Topeka Bank and yourself, and between the Topeka Bank and the Manhattan Bank, for the month of January, 1879?—A. Yes, sir.

Q. You may state whether, at any time during the month of January, 1879, you received any other money in packages having bands around them than the \$5,000 concerning which you have testified?—A. I did not.

Q. Are you acquainted with Daniel R. Wagstaff?—A. Yes, sir.

Q. How long have you known him?—A. I have known him several years, probably five or seven.

Q. Where did he reside in January last?—A. At Salina, Kans.

Q. State whether Salina is on the line of the Kansas Pacific Railway?—A. It is.

Q. East or west of Manhattan?—A. West.

Q. What distance?—A. I do not know the exact distance; I should suppose 80 or 100 miles.

Q. Then he is further west from Topeka than Manhattan, where you reside. State whether you saw him at Manhattan in March last, about

the time the legislature adjourned.—A. I saw him on the 12th of March, 1879, in Manhattan.

Q. Do you know what day the legislature adjourned?—A. No, sir.

Q. Had it adjourned at that time?—A. I understood it had.

Q. Did he have or make any business with you on that occasion, or state to you any business?—A. He appeared to come to see me.

Q. State whether he came of his own volition or at your request?—A. He came on his own account entirely.

Q. Did he tell you what he came for? If he did, state what he said.—A. So far as I could judge from his conversation, he came to have me use my influence with the member of Congress from that district for him to be reappointed to his position that he held then under the government.

Q. What position did he at that time hold?—A. He held a position in the land-office at Salina, register or receiver; register, I believe.

Q. He was then holding the office?—A. Yes, sir.

Q. Does he now hold it?—A. No, sir.

Q. Who is the present register of the land-office at Salina?—A. Mr. Hanback, of Topeka, I believe.

Q. What, if anything, did he say at that time with regard to any act of yours or of his towards his being reappointed to that office?—A. Well, he commenced to tell me that if I would use my influence with Mr. Anderson, with the influence he had brought to bear on Mr. Ingalls, no doubt he could be reappointed. I said to him that I did not suppose Mr. Ingalls would trouble himself much about him. He went on to state that Mr. Ingalls needed some help at Topeka, and that he had helped the boys, and mentioned Mr. Merritt and Mr. Peck and three or four names. I told him I did not know Mr. Ingalls would care much about them, or something of that kind. He then took a letter from his pocket which he read, which went on to state (Mr. Wagstaff read it himself) that on the urgent solicitation of Mr. Merritt, Mr. Peck, and Mr. Hallowell, and others, while he thought he had been treated badly by him, meaning Mr. Wagstaff, he had concluded that he would do what he could for him in Washington. He asked me if I knew Mr. Ingalls's writing. I told him yes. He turned the letter over to me so that I could see the writing. It was a long letter, I think three or four pages, and, said I, "That is Mr. Ingalls's writing; he can't go back on that writing." That was about the substance of it.

Q. Did you see the signature to the letter?—A. I did.

Q. In whose handwriting was it?—A. John J. Ingalls's.

Q. Whose name was it?—A. It was signed "John J. Ingalls."

Q. His own name?—A. Yes, sir.

Q. You say Mr. Wagstaff read you the letter; did he read you the whole of it or only part of it?—A. I think he must have read me all the letter. It was quite a long letter.

Q. You say he told you that the boys wanted his help at Topeka; did he tell you what help they wanted and what help he had given?—A. He told me they needed his help in the investigation when it was going on in the legislature; that they had agreed to do certain things, and he did help them.

Q. What persons did he name?—A. He named the name of Mr. Merritt.

Q. What Merritt is that?—A. James S. Merritt, attorney-at-law.

Q. Whom else did he name?—A. George R. Peck.

Q. Whom else?—A. Hallowell.

Q. James R. Hallowell, the present United States district attorney?—A. Yes, sir.

Q. At that time Mr. Peck was United States district attorney, was he not?—A. Yes, sir.

Q. Where does James S. Merritt reside?—A. At Wamego, Kans.

Q. State whether Wamego is on the line of the Kansas Pacific Railway.—A. Yes, sir; twenty-four miles east of Manhattan, I believe.

Q. Between Manhattan and Topeka?—A. Yes, sir.

Q. Have you seen Mr. James S. Merritt lately?—A. Yes, sir.

Q. When did you last see him?—A. I have seen him to-day. He is in the room now.

Q. Did Mr. Wagstaff, in the conversation which you have been mentioning, state where he was going from your place?—A. Yes, sir.

Q. State where he said he was going, and whom he was going to see.—A. He came to my house. I was at supper at the time. We are not as fashionable there as you are here. It was about 7 o'clock. He came in and said, "Is there any way I can get to Wamego to night?" I said, "There is a freight-train going, and if you go down a back street you probably can make that train." I went with him. We walked pretty fast, and by the time we got to the depot the train was pulling out, and Mr. Wagstaff, at the risk of breaking his neck, managed to climb on the caboose. That was the last I saw of him.

Q. Did he say to you that he was going to Wamego, and whom he was going to see?—A. He gave me to understand he was going down to see Mr. Merritt.

Q. You say he came to your house about 7 o'clock, and you went from there with him to the depot?—A. Yes, sir.

Q. State whether the conversation you have referred to took place before he left your house, or on your way to the depot.—A. It took place at my house, in the parlor.

Q. In the conversation at your house on that occasion with Mr. Wagstaff was the name of Wait, of Lincoln, mentioned?—A. No, sir.

Q. Do you know Walter S. Wait?—A. I do not.

Q. Do you know that Walter S. Wait was a member of the house of representatives in the Kansas legislature at the session of 1879, and representing the county of Lincoln?—A. My recollection is that there were two Waits in the legislature.

Q. Yes; there were, in fact, three; one from Linn, one from Pawnee, and one from Lincoln. Now, I ask you if any reference was made to Wait of Lincoln?—A. No, sir.

Q. Did you ever see Wait of Lincoln?—A. I never did, to the best of my knowledge.

Q. I mean at the time of the conversation with Mr. Wagstaff?—A. No, sir; that is what I understand; I never had seen him at that time.

Q. Have you ever seen him since?—A. I saw Mr. Wait at Topeka during the investigation. I presume that is the gentleman you are referring to.

Q. At the time the subcommittee was taking testimony in this case, in September or October last?—A. Yes, sir.

Q. State whether in your conversation with Mr. Wagstaff you said or intimated or in any manner insinuated to Mr. Wagstaff that you had paid to Mr. Wait, of Lincoln, \$100?—A. I never did; nor any other sum of money.

Q. Greater or lesser?—A. No, sir.

Q. Did you make any such statement, suggestion, or insinuation to Mr. Wagstaff at any time?—A. I never did at any time.

Q. To any other person at any time?—A. I never did.

Q. State whether you ever did pay or offer to Mr. Wait, of Lincoln, or any person for him, any sum of money whatever?—A. I never did.

Q. Have you stated the whole conversation between yourself and Mr. Wagstaff at the time he called upon you at your residence in Manhattan?—A. I have stated the substance of it. I did not pay enough attention to it at the time to state everything, but I have given the general substance of the conversation.

Q. Was there anything said by him to you, or by you to him, about money in that transaction?—A. He spoke to me about money.

Q. What did he say?—A. Said he, "If you give me a receipt, I will give you \$700."

Q. Did he state for what purpose he would give you \$700?—A. He did not.

Q. Did he produce \$760 and offer it to you?—A. He did not.

Q. What did you say in reply when that was suggested?—A. I told him I was not receipting for money.

Q. In what connection was this statement or proposition by Mr. Wagstaff made; that is, in what connection with the conversation between yourself and him?—A. It did not appear to be in connection with anything; he just made that remark. His business appeared to be entirely to get my influence with Mr. Anderson. He went on to say that Mr. Anderson was more indebted to me for his election to Congress than to any other one, and he was satisfied if I used my influence with him he would be reappointed. So far as I could judge, that was his business.

Q. You may state whether at any time during the month of January, at Topeka, any person approached you in or around the Tefft House or anywhere else and said to you, in words or to the effect, "I want you to save \$100 for Wait.—A. No, sir.

Q. Did you see Mr. Wait, of Lincoln, at the Tefft House at any time?—A. Not to the best of my knowledge.

Q. And you never saw him in your life until September or October last?—A. To the best of my knowledge, not until the committee was in session at Topeka holding the investigation.

By Senator BAILEY:

Q. Have you a transcript from the books of your bank showing that this \$5,000 was placed in the bank by your cashier?—A. No, sir. I have a statement from the Topeka bank that we got the money.

Q. But I mean a statement from your books showing the disposition of the \$5,000?—A. I have an affidavit with me from Mr. Ritchie, who took the money from Topeka, and the affidavit of the cashier of our bank.

Q. Is there any entry made on the books of your bank of the deposit of that \$5,000?—A. Yes, sir.

Q. You did not, however, bring with you a transcript of the books?—A. I did not. It is all entered regularly. My books have been compared with the statement there, you will see, by the memorandum of the cashier.

By Mr. WEBB:

Q. You stated that you had some affidavits?—A. Yes, sir.

Q. Affidavits made by whom?—A. By James T. Ritchie, who took the currency from Topeka to Manhattan, and by Mr. J. W. Webb, cashier of the Bank at Manhattan.

Mr. WEBB. We offer those affidavits in evidence.

Senator HOAR. I should think you had better finish with this witness first.

Mr. WEBB. Very well, let the affidavit lie for the present.

Mr. EVEREST. We shall make no cross-examination of this witness.

By Senator CAMERON:

Q. Were you subpoenaed when the subcommittee was in Topeka?—A. Yes, sir.

Q. Were you in Topeka during the sitting of the subcommittee?—A. I was.

Q. For what length of time?—A. The first subpoena I got I went there, and my recollection is I either went out that same day or the next day, with the permission of Senator Ingalls and his counsel, on the understanding that I would come back when telegraphed to. Subsequent to that I received another telegram from Mr. Christie, assistant sergeant-at-arms, and I went there immediately, and was there at that time, I think, two or three days.

Q. Why did you not appear before the committee there?—A. Well, my reason for not appearing before the committee is that I was at Topeka as a friend of Governor Anthony. I was largely interested in business in the State; and we had got left, and I always feel, when I come out behind, it had better stop, and I did not want to come before the committee. I found that the committee could not force me to do so, and I thought probably they would not have me come to Washington, and if I could prevent coming before the committee, I would much prefer to do so.

Q. You have been examined by Mr. Webb mainly in rebuttal, or contradiction of testimony given by other witnesses at Topeka. Did you know when you were subpoenaed that those witnesses were going to testify as they did; or did you know for what purpose you were subpoenaed at all?—A. No, sir. The only thing that I know about this is that there was information brought to me from Mr. Wagstaff that if I would go on the stand he would. In reply to the party who was sent to me, I said if it would please Mr. Wagstaff or any of his friends to go on the stand whenever it suited him, that I did not have any objection.

Q. After you determined not to appear before the committee, why did you come from Manhattan to Topeka in response to the telegram?—A. At that time my judgment was that I should have to do so. Afterwards learned that I need not go on the stand.

Q. When did you ascertain that the subcommittee could not compel you to appear before them?—A. On the last day; probably a very short time before you adjourned.

Q. Who informed you of that?—A. The subcommittee sent a subpoena, I suppose, by a young man; Mr. Collins, I think. I was up at Poppendick's; intended to go home that day or that night, and he came there. Said I, "I will come down," and I started down. When I got almost there I was met by Mr. Wood. Said he, "You don't want to go in there." I told him I was going there; that I wanted to see Mr. Riggs. I went down and there was some one there at the door. I said, "Please tell Mr. Riggs I want to see him." He said to me that Mr. Riggs was busy. I said that did not make any difference, but please tell him I wanted to see him. Mr. Riggs came to the door and I said to him, "Mr. Riggs, I do not want to come before this committee; can they compel me to do so?" Said he, "You can use your pleasure; they cannot force you to do so"; and for the reason that I have stated, as I did not wish to go before them, I did not go. It was entirely against my will to do so.

Q. Was it for the reason that you thought you probably would not go before them?—A. That they would not ask me to go to Washington; that they would not subpoena me here. I thought by not going there that the thing would go by.

Q. Who is Mr. Wood?—A. He is an attorney, I believe, and the editor of a paper—Sam Wood.

Q. Do you not know that he was at Topeka actively engaged in assisting the memorialists and assisting this counsel?—A. I did not. I do not suppose I spoke three words to Mr. Wood.

Q. I did not ask what you spoke to him, but did you not know at that time that he was inimical to Mr. Ingalls?—A. No, sir; I had nothing at all to do with it. In fact, I talked very little there.

By Senator BAILEY:

Q. Did you know at that time, or did you not, that testimony had been given to the committee implicating you in certainly irregular and perhaps corrupt transactions in connection with that election; that you had used money?—A. I knew from reports about town what the general tenor of Wagstaff's testimony was.

Q. The statement that you had been using money in connection with that election?—A. Yes, sir.

Q. Did you know that at the time you refused to appear before the committee?—A. I knew the reports.

Q. Did you consider that that testimony very seriously affected your character as a business man and as a citizen?—A. No, sir; I did not, from the source it came.

Q. You declined to appear before the committee for what reason, did you say?—A. I declined to appear because I had been there an active friend of Governor Anthony, and I was largely interested in business there. I have the confidence of the people generally of the State, I think, and I did not want the people to think that I went to Topeka to assist any candidate, and because we got left that I was turning around to fight somebody else.

Q. Did you feel no interest in vindicating your own character and conduct?—A. Yes, sir; but I was willing to let my character and conduct stand before the State against such evidence as was brought in there against it by the parties who did it, perfectly willing that my reputation should take its chances. Any person that I cared anything about I could satisfy readily.

By Senator CAMERON:

Q. Were you of the opinion that your business interests would suffer if you went before the committee as a witness?—A. I am largely interested in business there, and I did not feel like doing so.

Q. That you have stated before. But did you then think that your business interests would be injuriously affected by the fact of your going before the committee and testifying to the truth?—A. Yes, sir; in some business that I was interested in at that time, I thought it would be of no benefit to me pecuniarily.

Q. Was a man named Baker examined there, who testified in regard to these transactions?—A. Yes, sir.

Q. He was one of the witnesses who testified in regard to that money?—A. I understand he was.

Q. Does he live in your county?—A. No, sir.

Q. What county does he live in?—A. My judgment is that he lives in Salina.

Q. Had he not then been elected sheriff of that county?—A. I do not know whether he had or not. He has been elected sheriff.

Q. Was that before or after the investigation of Topeka?—A. Afterwards, at the fall election.

By Mr. RIGGS:

Q. I desire to ask a personal question for my own vindication. State whether or not, in the conversation in which you asked me whether or not the committee could compel your attendance in Topeka, I said to you that we desired you personally, Judge Webb and myself, to appear.—A. You did, sir.

Q. Did I not say that to you every time I saw you in Topeka?—A. Yes, sir.

Q. Did not Judge Webb repeatedly say to you that we desired you to appear and testify?—A. He did, several times.

Q. It was only in response to your question whether the committee could compel you to appear by compulsory process that I said to you it could not?—A. Yes, sir.

Mr. WEBB offered in evidence the affidavits of J. T. Ritchie and J. W. Webb, referred to in the testimony of Edward B. Purcell, but the committee declined to receive them, holding them to be inadmissible as testimony.

After consultation, the committee adjourned to meet at the call of the chairman.

WASHINGTON, *January 21, 1880.*

The committee met pursuant to call.

Present, the chairman and Senators Hill, Kernan, Bailey, Hoar, and Logan. Also, Messrs. Stumbaugh, Webb, and Riggs, of counsel for the memorialists, and Messrs. Everest and Merritt, of counsel for the respondent.

NORVIN GREEN, a witness called by the memorialists, sworn and examined.

By Mr. WEBB:

Question. You are the president of the Western Union Telegraph Company, are you?—Answer. Yes, sir.

Q. I hold in my hand a communication addressed by you to the chairman of this committee, dated 8th January, 1880, and I wish to call your attention to some statements made in that communication; but first I wish to ask you whether the subpoena which I hold in my hand, issued by the chairman of this committee, was served on you personally in New York?—A. No, sir; it was communicated to me by telegraph, and I was requested to acknowledge service, which I did.

Q. In the communication which you addressed to the chairman you say that upon the reception of the subpoena you gave directions to Mr. Clarence Cary, the office attorney of the company?—A. Yes, sir.

Q. Do you remember whether you stated to Mr. Cary the local offices of the company concerning which he should have the subpoena executed, or whether you simply handed to him with instructions to execute the subpoena?—A. I think I handed it to him with directions to have the messages spoken of in that subpoena preserved. Mr. Cary was a lawyer; the subpoena spoke for itself, and he could understand as well as I could what messages were to be produced.

Q. I call your attention to the fact that the subpoena required the production by yourself, as president of the company, before this commit

tee of all original telegrams and copies of telegrams received at Topeka, Emporia, Atchison, and Wamego, in the State of Kansas, and at Kansas City, in the State of Missouri, from January 1, 1879, to June 25, 1879, sent or received by certain persons named. In the communication which you addressed to the chairman of this committee you quote a dispatch received from General Thompson, in which he says :

Committee required telegrams relating to the election to be produced. They now require Dr. Green to send to manager E. L. Smith, Willard's Hotel, all the messages sent or received by the persons named in the subpoena at Kansas City, Wamego, Emporia, Atchison, and those received at Washington.

I notice all through this communication that there is no reference made to any attempt on the part of yourself or of any employé or officer of your company to obey the subpoena with reference to the Kansas City office. That is why I emphasize that name. I call your attention to some propositions here for the purpose of seeing what we may require hereafter. In this communication you say :

On June 28th Mr. Cary sent the subpoena to R. C. Clowny, assistant general superintendent of this company at Chicago, with an order to collect and send to him at the executive office of the company in New York "all the messages referred to in the subpoena."

State whether that communication was by wire or whether it was by mail?—A. It was by mail; I assume that it was by mail. I think I sent all the correspondence with that communication. There was a correspondence in respect to ordering the messages to New York. Do you find that among the papers?

Q. I see nothing except this communication of yours.

The CHAIRMAN. I think that communication was all I received. It was filed with the papers of the committee just as it came to me.

The WITNESS. It was my understanding that the whole correspondence would be sent with it.

The CHAIRMAN. It was not sent, so far as I now remember. I am sure that letter came by itself.

Q. (By Mr. WEBB.) Let me, Dr. Green, ask you, then, if you gave instructions to Mr. Clarence Cary to have the correspondence relating to the service and execution of the subpoena sent to the chairman of this committee with your communication?—A. I do not know that I so positively instructed him, but that was my understanding. Most of that letter was prepared by Mr. Cary. I called him up when I found that the messages were not preserved, to know why it was that the demand of the committee had not been strictly observed and trusted to him, and he brought me the correspondence, and I said to him, "Now, make out a statement of the case in a communication to the chairman; let me go over with you the correspondence, and I will swear to it and send it down. That is the best I can do." There is evidently some delinquency here which was not intended.

The CHAIRMAN. There are quotations in that letter, I think, from correspondence, but the correspondence itself has never reached my hands.

The WITNESS. Then I may be mistaken. It may have been quotations only that were furnished me. I examined the correspondence for the purpose of verifying that before I swore to it.

Q. (By Mr. WEBB.) I read further :

This order Mr. Clowny further referred to Mr. L. C. Baker, a district superintendent of the company, June 30, 1879.

On November 6, 1879, Mr. Baker, in obedience to this order, forwarded to Mr. Cary at New York the original subpoena and a package of telegrams, with a report thereon under that date in the following language, viz :

"Inclosed herewith I hand you papers received in July last asking for messages

covered by a subpoena served upon the president of the company June 23, by the Senate Committee on Privileges and Elections. I also inclose the messages called for by the subpoena.

(Signed)

"L. C. BAKER, *Superintendent.*"

Let me ask you whether, intermediate the date, 28th June, when Mr. Cary sent the subpoena to Mr. Clowny and the 6th of November, four months and more afterwards, when Mr. Baker made report and return to you as president of the company, any communication passed between yourself as president of the company and Mr. Baker in regard to the execution or non-execution of the subpoena?—A. None at all; but the delay is easily accounted for. In communications between Mr. Cary, whose business it was to attend to it, and Mr. Baker, it was explained that the important part of the subpoena, messages at Topeka, had been detained there because the manager at Topeka was summoned to produce them before a subcommittee that went our there, and of course we could not forward them and could not give them up until he was disposed of.

Q. But as matter of fact there was no subpoena served on the manager of the Topeka office to produce any of the messages called for by the subpoena served on you before the subcommittee until about the 22d or 23d of September; all of July, and all of August, and nearly all of September elapsed after this subpoena passed from Chicago to Saint Louis before any subpoena was issued by the subcommittee at Topeka upon Manager Smith.—A. I do not know about that. Of course I supposed, the messages not being required to be produced until December, it was only necessary to order before they were six months old that they should be preserved and that they should be brought to me in time to comply with the order of the subpoena. They were not immediately ordered the next day. If they had been nearly six months old, the order would have been given the next day to prevent their destruction; but as the time for their destruction was not near at hand, and the messages would necessarily be preserved till the end of six months, there was no haste in giving the order, and the first order being to preserve them the assorting out of the messages called for in the subpoena might follow at any time, so that they were there in time to comply with the order for their production the second week in December. When I was shown the letter from Baker saying that he had inclosed all the messages called for by the subpoena I supposed they were from all the offices. The package was not opened at all, and never was opened until Mr. Smith came there on his way to Washington, in obedience to his subpoena, and I had appealed to the committee to let me off. Then we opened the package to see what there was, and found there were none but Topeka messages.

Q. Who opened the package?—A. Mr. Smith and Mr. Cary opened it.

Q. In your office?—A. No, sir; in his office.

Q. Were you present when it was opened?—A. I do not think I was. I think they were brought right in to me. I am not sure whether they were opened in my office or in his; Mr. Cary, my attorney, and Mr. Smith being present.

Q. Was any other person present?—A. No other person.

Q. I particularly desire to know whether you saw the package opened?—A. I do not think I did. I think it was brought in to me; but I do not think I saw it opened.

Q. You quote here a communication from Mr. Baker as signed by him and give its date as 6th November, 1879. I will read it all:

Inclosed herewith I hand you papers received in July last asking for messages covered by a subpoena served upon the president of the company June 28 by the Senate Committee on Privileges and Elections. I also enclose the messages called for by the subpoena.

(Signed)

L. C. BAKER, *Superintendent.*

Do you quote here the entire communication from Mr. Baker?—A. The entire letter.

Q. Then the only information you had in regard to Mr. Baker's compliance or non-compliance with the requirements of the subpoena is contained in this communication from him to yourself as president of the company?—A. Yes, sir; you say "from him to myself." Is not the address of that letter given?

Q. No, sir; but I suppose it was to you as president of the company. It reads: "In obedience to this order, forwarded to Mr. Cary at New York, the original subpoena and a package of telegrams, with a report thereon under that date in the following language," and you quote it.—A. I think it was addressed to Mr. Cary; I do not think it was addressed to me. I saw the letter at the time, and saw it again when I made that statement.

Q. Did you know at the time as a fact when the package of messages sent by Mr. Baker to your office was received at your office? Were you informed of it at the time of their reception?—A. Yes, sir.

Q. Can you tell when that was?—A. I can only tell from record dates. I suppose it was about the 8th of November.

Q. How large a package was that?—A. It was not a very large package; perhaps a little thicker than that book or as thick (indicating an octavo Bible), put up in a paper cover.

Q. How did it come from Saint Louis to New York; by mail or express?—A. By express, I suppose. We have free service by the express, and such packages are usually sent by express.

Q. And you think that package reached your office about the 8th of November?—A. Yes, sir; the 8th or 9th of November.

Q. I read further from this communication:

This package of telegrams was placed by Mr. Cary in a safe in his office in the Western Union Company building in New York, where it remained until December 13, when it was delivered to Mr. E. L. Smith, the company's manager at Topeka, to be taken by him to Washington to await the orders of your committee. Mr. Cary states to me that he did not examine the contents of the package because he did not suppose it proper or necessary to do so.

Do you know whether or not he did examine, or permit any person to examine, the contents of the package?—A. I do not, positively. I only know that in conference with him he suggested that the package be not opened until the time, and I concurred in that suggestion. I do not know personally that he put them in a safe. I know that he has a large safe in his office, and he probably did. He says he did.

Q. Are you personally acquainted with Senator Ingalls?—A. I have rarely been introduced to him.

Q. Did you see him in your office in New York in December?—A. Yes, sir.

Q. About what time in December?—A. I cannot say what time.

Q. Was it before the meeting of Congress?—A. Yes, sir.

Q. Congress convened on the first Monday of December?—A. Yes, sir.

Q. How long was he there in New York, to your personal knowledge?—A. He was not in my office ten minutes.

Q. Was he alone, or were other gentlemen with him?—A. He was alone.

Q. Did he make any request on you personally for the production of such messages as had been sent by himself and had been received by him, which were supposed to be covered by the subpoena?—A. He did.

Q. Where and when did he first make such request of you?—A. In my office. I had heard, through our counsel, Williams & Thompson, that he had professed his willingness to have produced messages sent by him at Topeka before the subcommittee. I had information that that was his position, but no request was made upon me until he made it in my office.

Q. Did he make that request orally or in writing?—A. Orally, to me. He asked me if I would do that, and I said I could not answer whether I would or not; that there were other parties to those messages besides himself; that, as to all messages sent by him, he was certainly entitled to a copy of them under our rules, and if he got the consent of the other parties to make them public, I would do it or would furnish him copies, and he could do it himself on his own responsibility; but that I did not feel willing to produce his messages involving other parties, any more than any other messages called for in the subpoena, and should lay the matter before our law committee, and take legal advice as to how far we would carry our resistance. We then discussed that. I want to tell the whole conversation I had with him. He said, "If you are going to resist, and then produce the messages at last, as heretofore, I would prefer that you produce them at once." Said he, "So far as all the messages I have sent or received are concerned, I am perfectly willing that they shall be published, and as to all the rest, if you are going to produce them, it seems to me it would be better for all parties to do it at once." "Well," I said, "there is another consideration about that. We get a great many letters and newspaper slips sent us from all over the country, people abusing us for surrendering messages at the demand of committees, and we feel bound by our obligations to our customers to resist this sort of thing as far as we legally can, and I shall be governed entirely by the instructions of the committee of my board charged with that subject." That is all I promised him. He did ask me then to advise him as soon as I got the action of the board or ascertain what the instructions would be, as he would like to know what the action of the company was going to be. I did subsequently advise him after the board acted, as I had promised. I wrote him that the board had instructed me to furnish him copies of his messages so that he could produce them himself; that our manager would verify them as copies; but as to the further production of messages we would resist to the last tribunal we thought we could carry it to. It was then our intention to allow our employes to go into contempt, and appeal to the Senate on the general question, and probably we should have stood by that if the subpoena had not been essentially modified. We have so frequently recognized the right to demand all messages specified and described that we did not think it necessary to resist the modified form of the demand.

By Senator HOAR:

Q. When you speak of his messages, do you mean messages to and from him?—A. Yes, sir.

By Mr. WEBB:

Q. Do you know whether Mr. Ingalls had any interview or conference with Mr. Cary?—A. I think not.

Q. Do you know personally whether he had or not?—A. I do not

know personally; but he did not speak of Mr. Cary and I do not think he knew Mr. Cary.

Q. I want to read further from your communication :

In view of the foregoing, it will be seen that we supposed that all the messages called for in the subpoena were included in the package sent to Washington by Manager Smith.

But since receiving the above-quoted message from General Thompson, I have made further inquiry by telegraphing, and have the following from Superintendent Baker, viz:

"Upon reference to my files and records, it appears that by some misunderstanding no copy of the subpoena was forwarded to the managers at Wamego, Emporia, or Atchison."

I call your attention to the fact that he does not say no copy of the subpoena was forwarded to the manager at Kansas City. Do you know whether or not his communication is quoted entire?—A. I think it is. I think I compared all these papers before verifying my communication.

Q. Then Mr. Baker has not informed you that a copy of the subpoena was not sent to Kansas City, has he?—A. All I can tell is from that record.

Q. Then, quoting further from Mr. Baker's communication to you :

I think it was understood at the time that the call was for messages exchanged between Topeka and those points by the parties named, all of which messages would, of course, be shown in the Topeka files.

The points named in the previous part of the communication are Wamego, Emporia, and Atchison. I ask you if messages sent from Wamego to Washington or from Kansas City to Wamego or from Kansas City to Washington would be found in the Topeka office?—A. No, sir.

Q. Then you say further :

From Superintendent Baker's report it would now appear, I regret to say, that some portion of the subpoena was not complied with, but it also appears that the package of messages sent to Washington by Manager Smith should contain not only the originals of all messages filed by the persons named in the subpoena at Topeka addressed to Wamego, Emporia, Atchison, and Washington, but also copies of all messages sent by the persons named from Wamego, Emporia, Atchison, and Washington to Topeka.

Let me ask you to explain, if you can, why Kansas City is omitted from all those communications—Superintendent Baker's communication to you and from yours to the chairman of this committee?—A. I do not think there is any reason for it. It seems to be omitted. I rather think it is an omission of Mr. Cary in making up that paper. I was not aware that it was omitted.

Q. In this examination you state that the methods taken by yourself to comply with the requirement of the committee were those usually taken in such cases. You then state as follows :

They have been so uniformly successful that I had no reason to apprehend the *laches* or mishaps which seem to have occurred in the execution of the order, especially after receiving the letter from Superintendent Baker saying he had inclosed the messages called for by the subpoena.

It being an admitted fact, then, that *laches* or mishaps did occur, I wish you to state, if you can, in whose department, whether in the executive office at New York, or in the office of Mr. Superintendent Clowny at Chicago, or Mr. Superintendent Baker at Saint Louis, the *laches* and mishaps occurred?—A. Most probably with Superintendent Baker at Saint Louis. The subpoena was handed over to my office attorney, and there was therefore no delinquency on my part. Of course I cannot say that everything was done by me that could have been done. I could have

left my business and gone out there and got the messages myself and brought them.

Q. That would not be expected of you by anybody?—A. We have a great many messages to produce in the courts, and some controversies over delinquency in service, over mistakes in messages. In all such cases we order the messages to the attorney's department; and the mode of ordering them is the mode pursued in this case. A dispatch is sent to the superintendent, "Have message so and so to so and so at such office sent here." He transmits it to the district superintendent, and the district superintendent orders it from the office. Now, Mr. Cary sent a copy of the subpoena to General Superintendent Clowny at Chicago, the general superintendent of that division. He was very competent to see what messages were covered by the subpoena. He did not need any further explanation; the subpoena was plain enough. Precisely how he communicated the order to Baker I cannot tell. I do not think I have seen that particular order unless it is quoted there. He may have sent the subpoena on to Baker with orders to preserve those messages, or he may have carelessly supposed that it was Topeka only, or that Topeka would contain all the messages, and simply have sent that order to Baker to preserve the Topeka messages; but I infer that Baker must have received the subpoena because he refers to the subpoena in his letter. He says: "Inclosed find the messages called for by the subpoena," and, therefore, the probability is that Clowny sent the subpoena to Superintendent Baker at Saint Louis, and that the delinquency was on his part. He turned it over to a clerk, probably, who said to himself, "Why all these messages ought to be found in the Topeka office," not supposing that they were communications with Washington or elsewhere, but supposing that they were communications between the point of the struggle and these other points. Of course, as to all messages from any of these other points to Topeka, as well as those from it, copies would be found in the Topeka office.

Q. I call your attention again to the language of the subpoena, "to produce the original telegrams and copies of telegrams received at Topeka, Emporia, Atchison, and Wamego, in the State of Kansas, and Kansas City in the State of Missouri," without saying from what part of the world they were sent. Now, I ask, was it possible for Mr. L. C. Baker, superintendent at Saint Louis, to mistake that language and suppose that all the copies of messages required would be found at the Topeka office? Do you think that?—A. I infer that it is possible from the fact that he did do it. He must have mistaken it.

Q. I am not so well satisfied that he did mistake it.—A. There must have been some carelessness about it.

Q. Suppose that he placed it in the hands of a clerk, was it possible for a person who is competent to fill the position of clerk to Mr. Superintendent Baker in Saint Louis, in a large business which pertains to his department, understanding his business in that capacity, to mistake that language?

Senator HOAR. That is a question for the committee.

The CHAIRMAN. Certainly. I think all that is necessary is to ascertain whether the delinquency occurred, as Dr. Green intimates it did occur in his opinion, at Saint Louis. Of course Dr. Green cannot tell whether it was an act of carelessness in a clerk or Mr. Baker, or whether it was a designed omission to perform the duty imposed on him. If you want to ascertain that fact, you must get it in some other way. Evidently the president of the company cannot enter into the motives of the various subordinates.

Q. (By Mr. WEBB.) Now, Dr. Green, the communication directed or ordered by you was sent by Mr. Cary through Mr. Clowny or his department at Chicago to Mr. Baker in Saint Louis. I ask you whether Mr. Baker returned the dispatches through the same channel?—**A.** No, sir; Mr. Baker sent them directly to Mr. Cary. I so understand.

Q. Do you know whether he did or not?—**A.** No, I do not; but that is my understanding of the case. I want to say to the committee that in my business hours there is scarcely a moment when there is not somebody talking to me and two or three others waiting in the ante-room. It is utterly impossible, therefore, for me to conduct my correspondence personally. I am obliged to delegate it. I have a private secretary, an attorney, and heads of departments, and I am obliged to delegate my correspondence. These orders, therefore, are obliged to be attended to by somebody else, or I have to treat discourteously people who have important business with me and have a right to claim my attention. I am perfectly aware that everything was not done that might have been done to conform strictly to the subpoena in this case. I have only to say that I had no doubt it would be so done, and in pursuing the usual channels directed it and was annoyed and disappointed to find that it was not strictly executed.

The CHAIRMAN. The receipt-books at Wamego and certain other points mentioned in the subpoena, where the telegrams themselves have not been produced through the inadvertence to which reference has been made, have been called for, and I am informed by Mr. Smith that he has information that they are on the way here. That is true, Mr. Smith?

Mr. E. L. SMITH. Yes, sir; the receipt books from Topeka. The receipt-books from other points, I do not think, were called for.

The CHAIRMAN. Whatever was called for. These books perhaps could not have been under the modified order demanded, but Mr. Thompson, who represents the company, was present, and inasmuch as the telegrams themselves to Topeka and some other points had been produced, I understood he gave his consent to the production of all of them.

Senator HOAR. When those books arrive, if Mr. Smith should say that he desires the direction of Dr. Green before he can take the responsibility of laying them before the committee, it is important not to discharge Dr. Green from the subpoena now until they come. If, on the other hand, the committee are assured that no question of that kind will present itself to Mr. Smith when they come by knowing that the direction is already given, then we do not need to keep Dr. Green.

Mr. E. L. SMITH. I will state that I have already received instructions to produce them as soon as they arrive and no other question will arise upon them.

Mr. WEBB. Mr. Chairman, I wish to ask Dr. Green whether he will not direct Mr. Cary to transmit to the Chairman of this committee the correspondence to which he referred which he thought did accompany this communication. We should like to have it so sent.

The CHAIRMAN. I will say in behalf of the Chairman of this committee that unless it is absolutely necessary to the proper investigation of this question, I do not desire to be incumbered with the care and custody, and to be put to the trouble of returning correspondence. If the counsel say that they know there is in the correspondence matters material to the proper investigation of this subject, I am willing to do it; but you can understand very readily why a chairman of a committee does not wish to be the custodian of papers that are not necessary to the investigation of a case before him, because I shall be bound to return them to Mr. Cary or Dr. Green or somebody else.

Senator HOAR. How is that correspondence material?

Mr. WEBB. If we had access to the correspondence (and we do not want any access to any correspondence in an improper way, or to anything that is purely private of the company), we could probably ascertain just at what place the laches occurred.

The CHAIRMAN. That correspondence has not been called for by any subpoena of the committee. I decline personally as Chairman to receive it for the purpose of enabling counsel to make a case, because I do not wish to be in the possession of papers that do not belong to the committee.

Mr. WEBB. I withdraw the request.

The CHAIRMAN. Dr. Green is discharged from further attendance before the committee on the subpoena last served, and also from further attendance upon this committee on the subpoena issued in June last.

On motion, the committee adjourned till Friday, the 23d inst.

WASHINGTON, *January 23, 1880*

The committee met pursuant to call.

Present: Senators Hill (acting Chairman), Kernan, Bailey, Pryor, Cameron, Hoar, and Logan; also Messrs. Stambaugh, Webb, and Riggs, of counsel for the memorialists, and Messrs. Everest and Merritt of counsel for the respondent.

JACOB V. ADMIRE, a witness called by the memorialists, affirmed and examined.

By Mr. WEBB:

Question. Your residence is in Osage City, Kans., I believe?—Answer. It is.

Q. You are a practicing lawyer by profession?—A. Yes, sir.

Q. How long have you resided in Kansas?—A. I have lived there nearly twelve years—something over eleven years.

Q. State whether you have or have not, during your residence in Kansas, taken an active part in politics.—A. To some extent.

Q. Were you at Topeka during the Senatorial contest in January, 1879?—A. Yes, sir.

Q. What time did you reach Topeka?—A. I do not remember the time, but my recollection is that it was about the beginning of the session of the legislature.

Q. What date was that?—A. I cannot recall it now accurately.

Q. How long did you remain at Topeka?—A. I think I was there altogether about three or four weeks.

Q. Did you remain there until after the last ballot was taken by the joint convention?—A. Yes, sir.

Q. Were you then personally acquainted with Senator Ingalls?—A. Yes, sir; I was.

Q. How long did you know him?—A. I had known him four or five years previous to that time.

Q. Were you at that time engaged in any business at Topeka?—A. Not specially.

Q. State whether you did not go there by reason of the fact that the legislature was in session and that a United States Senator was to be elected?—A. Not that particularly. I first went there because I had an interest in the election of State printer. Afterwards, I remained there

Q. How long before the election of Senator was the State printer elected?—A. My recollection is about two weeks.

Q. Did you stay that period of time after the election of printer because of the pending election of Senator?—A. I should like to be correct about it. I am not sure whether one or two weeks elapsed between the election of State printer and that of Senator. It rather occurs to me that it was only one week.

Q. Time is not material. You say that you remained there?—A. Yes, sir.

Q. Because of the pending election for Senator?—A. No; not especially on that account.

Q. Do you know where Senator Ingalls's rooms were in Topeka during the contest?—A. Yes, sir.

Q. State whether you were or were not at his rooms during the contest?—A. I have been in his rooms; I was in his rooms several times.

Q. Did you see Senator Ingalls in his own room?—A. I saw him once.

Q. You have said that you reside in Osage City; do you know a man named Charles M. Foulkes?—A. Yes, sir.

Q. Where does he reside?—A. He lives in Osage City.

Q. How long have you known him?—A. I have known him something over two years.

Q. What was his business at that time?—A. I do not know.

Q. Did you see him in Topeka?—A. Yes, sir.

Q. What length of time did he remain in Topeka, to your knowledge?—A. Well, I do not remember exactly. He came to Topeka a fortnight before the Senatorial election probably, and remained until afterwards. It is a matter I have never thought about since in regard to the length of time he staid there.

Q. Do you know at what hotel he stopped?—A. Yes, sir.

Q. What was it?—A. The Tefft House.

Q. Do you know whether he had a room or rooms there?—A. I do not know that he had a room or rooms himself. He occupied a room with other parties, or other parties were in the room with him.

Q. Can you give the number of the room?—A. I think the number was 120; that was my recollection.

Q. That is on the second floor, above the office?—A. Yes, sir.

Q. One floor above Senator Ingalls' rooms?—A. I cannot locate it distinctly in that way, but that is my impression.

Q. Who occupied room No. 120 with Mr. Foulkes?—A. I saw different persons in there during the Senatorial contest.

Q. The question is who occupied the room with Mr. Foulkes?—A. I cannot answer that question because I do not know.

Q. Name the parties whom you saw there.—A. I saw Mr. Danford there; Mr. Murdoch, I believe he occupied an adjoining room with his son. I was there; I staid there several nights in the same room.

Q. Who else?—A. I cannot at this time recall the names of persons that I saw there, because a great many persons were in there.

Q. Did you see Mr. Hood, of Emporia there?—A. No, sir.

Q. Mr. Auld, of Atchison?—A. No, sir; I did not at that time know either of them.

Q. The Danford you speak of is Mr. J. S. Danford, of Osage City?—A. Yes, sir.

Q. What is his business?—A. He is a banker.

Q. Do you know whether he remained at Topeka long? You say you saw him in that room?—A. He was there about the length of time I was, I think.

Q. Was Mr. Foulkes there about the length of time you were?—A. My recollection is that Mr. Foulkes came afterwards.

Q. Did you and Mr. Danford go with Mr. Foulkes from Topeka?—A. That is my impression now.

By Mr. EVEREST:

Q. Do you mean to be understood that you and Mr. Danford left Topeka together?—A. No, sir; my recollection of it is that he and I did not go together, but went at different times.

By Mr. WEBB:

Q. How many members of the house of representatives were there from the county of Osage in which you reside?—A. Two.

Q. What are their names?—A. Mr. Danhaur and Mr. Bower.

Q. How many senators from the county?—A. One.

Q. What was his name?—A. Finch.

Q. Were you personally acquainted with these three gentlemen?—A. Yes, sir.

Q. Did you know any other members of the legislature before your going to Topeka?—A. Yes, sir; I knew a great many.

Q. Did you know a member of the legislature by the name of Raybell?—A. Yes, sir.

Q. What is his first name?—A. I do not think I know that. My impression is that it is J. S.

Q. T. J. are his initials, are they not?—A. I am not sure; probably that is it.

Q. What county did he represent in the legislature?—A. I believe he came from a district of Greenwood County.

Q. How long had you known him?—A. I met him there during the session of the legislature. I had not known him previously.

Q. You had not known Mr. Raybell, then, before you went to Topeka that winter?—A. No, sir.

Q. Can you state when you first became acquainted with Mr. Raybell?—A. I cannot.

Q. About how long was it before the final vote for Senator was taken?—A. My recollection is very indistinct about it. I became acquainted with Mr. Raybell as a member, and I saw him frequently. It was merely a passing acquaintance that I had with him and I do not remember the time I first knew him.

Q. When you went to Topeka in January last year did you go there favorable to the re-election of Senator Ingalls?—A. No, sir.

Q. You may state whether after your arrival at Topeka you changed your position and became a supporter of Senator Ingalls?—A. Well, it is rather a difficult question to answer; I never was what might be termed a supporter of Mr. Ingalls, though our contest took such a shape that I preferred him to some other gentlemen who were candidates.

Q. State whether during the last few days of the contest you did not give your support to Senator Ingalls?—A. I suppose I might answer that in the affirmative. Members of the legislature with whom I conversed I may have advised, under the circumstances, that I thought it was better to support him, but I never was an active supporter of Mr. Ingalls.

Q. You have named Mr. Foulkes. Do you know whom he was supporting for Senator?—A. Yes, sir; my impression is that he was for Mr. Ingalls.

Q. State whom Mr. Danford was supporting for Senator?—A. Mr.

Danford occupied very much the same position that I did, as I understood him.

Q. Whom was Mr. Danford supporting at the commencement of the contest?—A. He was not supporting any one.

Q. Whom did he support at the close of the contest?—A. He was for Mr. Ingalls.

Q. It is already a matter of record before this committee that the final ballot was taken on Friday, the 31st of January. For how many days before the final ballot was taken had Mr. Danford supported Mr. Ingalls?—A. I cannot answer that question; I do not know.

Q. About how many, according to your best judgment or recollection?—A. I might say five or six days; probably longer, and perhaps not so long. I understood Mr. Danford to occupy rather an equivocal position on the Senatorial question; that is, he did not know exactly what course to pursue until after the progress of the contest.

Q. Do you know as a matter of fact that he did become a hearty supporter of Mr. Ingalls?—A. I do.

Q. At what time was that change made?—A. I cannot tell the time.

Q. Do you know what caused or induced him to change?—A. No.

Q. Did you have any conversation with any member of the legislature with respect to the vote that he should give for Senator?—A. In answer to that question I can say that I talked with several members of the legislature in regard to the matter. I do not know that I could recall them now, because it is a matter I have thought very little about since.

Q. I ask you to name such of them as you can?—A. I talked with our own delegation.

Q. The three from Osage County?—A. Yes, sir.

Q. What others?—A. I remember to have talked with Senator Meyers. He and I are intimate friends and often talk together.

Q. Did you talk with Mr. Raybell?—A. Yes, sir.

Q. When did you first talk with him?—A. I cannot recall the time.

Q. About how long was it before the final vote for Senator was taken?—A. Several days; I do not remember how many.

Q. Where did that conversation take place?—A. I talked with him in different places. I talked with him on the street and in the Tefft House bar, I remember. Whenever I met him I spoke to him, and we generally talked about the Senatorial matter and different other matters.

Q. Did you have any talk with Mr. Raybell at all, at any place, with respect to money in conjunction or connection with the Senatorial election?—A. I think I did.

Q. State where that conversation took place.—A. I cannot state the place.

Q. Tell us what it was, and the whole truth.—A. I simply suggested to him that if he wanted pay for his vote I thought he could get pay. But that was an impression I got simply from gossip on the street.

Q. You have said that you did not know Mr. Raybell until you made his acquaintance at Topeka?—A. Yes, sir.

Q. Now state how it was that you suggested to him that if he wanted any money for his vote he could get it?—A. I cannot answer. It is impossible to answer a question of that kind. I cannot answer, because I have no fact.

Q. I directed your attention to a conversation between yourself and Mr. Raybell on the street. I wish to fix the place more definitely as on the sidewalk between the Tefft House and the Topeka Bank. Did you have a conversation with him there?—A. My recollection is that I did

have a conversation with him between the Topeka Bank and the Tefft House, on the sidewalk, but it is impossible for me to fix the time.

Q. Was that before or after the caucus at which Judge Horton was nominated?—A. That was before.

Q. State whether in that conversation there was any reference made by either of you to that caucus, or the holding of a caucus?—A. No, I think not.

Q. State whether you did not ask him at that time whether he was going to the combination, or anti-Ingalls caucus.—A. I do not remember whether I did or not. I may have done it.

Q. You knew him by name at that time, and knew who he was, and that he was a member of the house?—A. Yes, sir.

Q. Do you remember talking with him about an anti-Ingalls caucus, and who would likely be the nominee of that caucus?—A. No; I do not remember it.

Q. Did you tell him at that time that you were friendly to the election of Senator Ingalls?—A. I could not at this time repeat a single word of that conversation. I scarcely remember the nature of it, but my recollection is that it was in relation to the Senatorial election, but I never burdened my mind with it, and have scarcely thought of it since. I do not know that I have thought of that conversation since. To undertake to state what was said, or what we were specially talking about, I could not do it.

Q. Did you tell him at that time that there was any money being paid for votes?—A. I do not remember that I did.

Q. You have said that there was some conversation about money in connection with the Senatorial election. State if there was any conversation at that time, and, if so, state what was said by you to him, and by him to you.—A. As I said, I cannot repeat the language, and I cannot at this time remember what the subject of the conversation was, but I want to say this about my suggestion in regard to the use of money. My impression was simply obtained from rumor and from gossip.

Q. I do not care to have you state that.—A. I should like to explain. It was rumored that money was being used in the election by all parties.

Q. You say you do not remember all of that conversation. Was there anything said about beef contracts, Army contracts, or anything of that kind?—A. No, sir; I think not. I am pretty sure there was not, because I did not know anything about any beef contracts or Army contracts.

Q. Did Mr. Raybell ask you who was paying money, or who had any money?—A. I think not.

Q. Do you remember whether he did or not?—A. I do not remember.

Q. From the place of that conversation do you know where Mr. Raybell went?—A. No, sir; I do not.

Q. Where did you go?—A. I do not remember that, either.

Q. Did you tell any person of the conversation you had with Mr. Raybell very soon after it occurred?—A. I may have spoken about it.

Q. Do you remember whether you did or not? and, if you remember, state whom you told.—A. I do not remember anybody particularly that I repeated it to. I did not consider it of any importance.

Q. Did you tell it to Mr. Danford?—A. I do not remember whether I did or not.

Q. Did you tell it to Mr. Foulkes?—A. I do not remember whether I did or not. I may have done it.

Q. Are you well acquainted with Mr. Foulkes?—A. Yes, sir; pretty well acquainted with him.

Q. I wish you would describe him.—A. Mr. Foulkes is about 30 years old, I suppose, and nearly six feet high, slender built, wears a monstache, and has a florid countenance, black hair, and black eyes.

Q. Did you have any talk with Mr. Raybell at any time after the conversation you have referred to concerning his vote for Mr. Ingalls?—A. I cannot remember now the order in which the conversations between Mr. Raybell and myself were had.

Q. Did you meet Mr. Raybell on the train going towards Topeka, at one time?—A. Yes, sir; I believe I did.

Q. Was that before or after the election?—A. That was after the election.

Q. Was there any reference made in that conversation by either of you to the other in respect to his vote, and with respect to the previous conversations you had had with him?—A. We talked about the election, I think I said something about his vote. My recollection is that I said to him that I was not surprised that he voted for Mr. Horton the way the thing turned out.

Q. Do you remember whether Mr. Foulkes was with you at that time on the train?—A. I do not think he was.

Q. State whether you know of Mr. Foulkes having had money to use in the Senatorial election?—A. I do not.

Q. Do you not know of his having in his possession \$300 to be paid for the vote of Senator Finch for Senator Ingalls?—A. No, sir.

Q. Did you not have a conversation with Mr. Foulkes in regard to the vote of Senator Finch?—A. Yes, sir.

Q. When did that conversation take place?—A. I cannot remember the time.

Q. Was it before the final vote for Senator?—A. Yes, sir.

Q. How long before?—A. Probably four or five days, perhaps longer. I cannot remember the date.

Q. In that conversation was anything said by either of you as to procuring Senator Finch to vote for Senator Ingalls, or getting him to vote for Senator Ingalls?—A. I believe the question as to how he would vote was discussed. I cannot answer that question just as you put it. The matter was talked about between us. I knew, or thought I knew, already how Mr. Finch was going to vote at that time.

Q. Did you not state to Mr. Foulkes at that time that you could get Mr. Finch's vote for Senator Ingalls without any money?—A. I do not think anything was said about money in connection with Mr. Finch's vote at all. I said to Mr. Foulkes that Mr. Finch had given me to understand he was going to vote for Mr. Ingalls, and that I had counseled with him and had advised him to do it, and my impression was that he would vote for him.

Q. State whether you talked with any other member of the legislature in regard to money and the vote such member should give for Senator.—A. It is a difficult question to answer, for, like all other Kansas folks, I talked a good deal. I do not remember any particular person that I spoke about in that way.

Senator HOAR. The question was not whether you talked about any person, but whether you remembered any person to whom you talked in regard to money that that person might receive for his vote.

The WITNESS. No, sir; not personally.

By Mr. WEBB:

Q. What do you mean by "personally"?—A. I mean that I did not go to any member of the legislature especially and say to him he could receive a certain amount for his vote if he wanted. I may have made the remark in a general way, as I said awhile ago, that money might be had.

Q. State whether you were not in the habit of making that suggestion to or in the hearing of such members of the legislature as you thought wanted money for their votes.—A. I think not.

Q. You stated some time ago that you had slept several nights in room No. 120 of the Telft House. Who staid there with you on the nights you staid there?—A. Mr. Foulkes was there. I think he staid there all the time, and Mr. Danford, I think, was there the nights I staid there. On one or two other nights there was one other gentleman who slept with Mr. Foulkes, a friend of his from El Dorado. There were two beds in the room.

Q. Can you not recall some members of the legislature to whom you stated that money could be had for their votes?—A. No, sir.

Cross-examined by Mr. EVEREST:

Q. I understood you to state to the committee that you were never a warm supporter of Senator Ingalls for re-election to the United States Senate?—A. That is what I said.

Q. I understood you to state that after consultation with friends from your part of the State, you deemed it practicable to use your influence for his re election?—A. Yes, sir.

Q. Is it not a fact that when you came to Topeka you were personally unfriendly to Mr. Ingalls?—A. Yes, sir.

Q. Did any other question than the practicability of his election considering the location of the two Senators in the State, and the fact of harmony in your party, move you to support him or give your influence for his re election?—A. I will answer that in this way: I preferred Senator Ingalls's re-election to the election of Mr. Anthony or any of the other gentlemen who were candidates, or who had developed as candidates previous to the holding of the caucus by the anti-Ingalls people, and in the meantime I became to some extent allied with Mr. Ingalls's interest, and I advised all my friends in the legislature to support him. Of course I did not change my views after the nomination of Mr. Horton by the caucus; but I have not been personally friendly with Mr. Ingalls for a good while.

Q. You are a Republican in politics, are you not?—A. Yes, sir; I am.

Q. You are interested somewhat in the success of your party in that State?—A. Yes, sir.

Q. Do you pretend to state directly or inferentially that Mr. Ingalls or his friends had any knowledge of the conversations that you had with Mr. Raybell?—A. I am satisfied that Mr. Ingalls did not have any information on the subject, and I do not remember of his advisers; I do not think I ever talked with any of his intimate advisers in regard to it. These observations that I made were simply thrown out without any authority whatever.

Q. Do you know Senator Finch of whom you have spoken?—A. Yes, sir.

Q. Is it not a fact that he was a friend of Mr. Ingalls from the start, as you understood it?—A. I understood Mr. Finch's position to be this, that he was friendly to Mr. Ingalls, but his constituency rather expected him to support Governor Anthony, but for reasons that I know of,

which had no connection whatever with anything improper, he changed his mind in regard to it and supported Mr. Ingalls.

Q. After Mr. Anthony was no longer a candidate, did you then know his preference?—A. He chose Mr. Ingalls. That is, after the canvass was fairly developed he made up his mind to support Mr. Ingalls in preference to Mr. Anthony, while Mr. Anthony was yet a candidate, I so understood.

Q. You know Senator Finch, do you not?—A. Very well.

Q. How long have you known him?—A. I have known him something over two years.

Q. What senatorial district did he represent?—A. I do not remember the number of it. He represents Osage and Wabaunsee Counties.

Q. Has he been a resident there for any length of time?—A. He has lived in Burlingame a great number of years; one of the oldest citizens in that part of the State.

Q. Is he a gentleman of character, or otherwise?—A. He is a gentleman of very high character.

Mr. WEBB. Mr. Chairman, I wish to call attention to the matter of the telegraph books. Mr. Smith did produce and hand to us yesterday half a dozen perhaps of what I would designate as the messenger's receipt books, which the messenger-boy asks the receiver of messages to sign. He has produced to us no other books. I have just asked Mr. Smith if these were the only books of this character he had here at the commencement of this session of Congress, and he says they are not. The books that were called for by the subpoena issued by the committee included all the record books of the office showing the names of the persons sending and the names of persons receiving messages, together with the number of each message. An inspection of these books shows us that we can get no valuable information from them, and for this reason, that nearly all the messages directed, as we suppose, to parties we wish to inquire about and whose names were in the subpoena, were directed to the Tefft House or to the care of Tefft House, and these books are full of signatures of the clerk, Mr. Farnham, and also just simply "Tefft House." Large numbers of telegrams from the 15th of January to the 5th of February are receipted for in that way in these books and the names of the receivers do not appear. Senator Ingalls's name does not appear more than once, whereas there are thirty or forty dispatches produced by Mr. Smith as having been sent or received by Senator Ingalls. The question I wish to call to the attention of the committee is whether we can have Mr. Smith produce those other books he had here covering the period of time in January and February.

The ACTING CHAIRMAN. The committee cannot determine that question unless they examine Mr. Smith, and hear from him what he has got, unless you can make it appear that there is something which he does not produce which he has been ordered to produce.

Senator LOGAN. When these receipt-books were asked for, I made the suggestion myself, that as to a great many telegrams I received they were not receipted for by me, but were receipted for by the head of the house, or whoever was at hand, and that these books which they specially wanted to see would not enable them to find whether there were other telegrams than those produced.

The ACTING CHAIRMAN. If there are any other books called for which Mr. Smith has not produced, you can submit a motion.

Senator LOGAN. These were the only books asked for by the committee.

Senator CAMERON. The other books referred to by Mr. Webb were

included in the subpoena originally, but on consideration the committee were unanimously, as I remember it, of opinion that when we issued a subpoena calling for all the books and records, we went further than under all the circumstances it was prudent for us to go.

The ACTING CHAIRMAN (to Mr. WEBB). You can call Mr. Smith and examine him in regard to the books.

Mr. WEBB. We shall do so.

EUGENE L. SMITH recalled.

By Mr. WEBB :

Question. I hold here a copy of the subpoena issued by this committee, and which was served upon you, as per your answer, on the 28th June, 1879.

Senator CAMERON. Remember, Mr. Webb, that that subpoena has been modified by the committee.

Mr. WEBB. Yes, sir; I remember that. (To the witness.) You were required to produce certain messages and copies of messages, and in addition to that, the subpoena contained this clause:

That you produce in all cases, in addition to copies and originals of telegrams, the records of telegrams and the numbers specifically stated, and any record, memorandum book or books, paper, or anything whatsoever, showing the number and date, to whom sent, and from whom received, of all telegrams received and sent from Topeka, Kansas, during and including said period.

Now, I ask you if you have here the books, papers, memoranda, &c., called for by this subpoena?

The WITNESS. Is that the original subpoena?

Mr. WEBB. A copy of the original subpoena served on you.

The ACTING CHAIRMAN. Mr. Webb, this committee, as you have been informed, modified that subpoena, striking out so much of it as required the production of books at all; and subsequently, on your calling the attention of the committee that surely delivery-books or receipt-books were admissible, Mr. Smith, deeming that possibly those books were still in preservation in Topeka, telegraphed for them, and we ordered him to produce them. It is not proper to go back behind that last modification. We do not propose to reopen the original subpoena. The committee unanimously held that that subpoena was too broad. It called for books that would not be admissible if they were here. It called for books which contained solely the entries of the officers of the company, and of which parties sought to be affected had no notice. Any book with which the parties themselves were connected would be admissible evidence. We do not propose this morning to reopen with Mr. Smith that original subpoena to require him to produce books with which the parties had no connection, which were purely the act of the company, and which would not be admissible if produced. You may, however, put your question, and we shall see what it leads to.

(By Mr. WEBB.) Have you here the books, papers, and memoranda called for by the original subpoena?—A. No, sir. I have nothing except those receipt-books that I showed you yesterday.

Q. Did you have them here in December?—A. Yes, sir.

Mr. WEBB. Now, Mr. Chairman, if the committee will pardon me a moment, I desire to suggest, that, according to the record kept by the clerk of this committee, the committee did not make the broad ruling which it seems the chairman and other members of the committee

think was made with respect to the modification of the original subpoena.

Senator CAMERON. Let me make a suggestion. If you will compare the original subpoena with the modified subpoena, and observe what in the original subpoena is omitted in the modified subpoena, you will see exactly what the committee did rule.

The ACTING CHAIRMAN. Mr. Webb, if you have a motion to make, make it; but we do not want to hear an argument on the action of the committee. You can make your motion, and then give any reason for it you may deem proper.

Mr. WEBB. The motion, then, that I will make, Mr. Chairman, is, that Mr. Smith be required to produce here the books kept by him as manager of the Topeka telegraph office, which will show the number and date of each message sent to or received by any of the persons named in the original subpoena.

Senator HOAR. Where are those books?

The WITNESS. Mr. Chairman, if you will permit me, I think I can explain.

Senator HOAR. Wait a moment. I desire to have the question put to you first, where are the books which Mr. Webb asks for?

Senator CAMERON. There is, perhaps, a preliminary question to ascertain whether or not there be any such books.

The ACTING CHAIRMAN (to the witness). Answer.

The WITNESS. They are at my office in Topeka.

By the Acting CHAIRMAN:

Q. You returned them to Topeka, after the modification of this subpoena by the committee?—A. Yes, sir. I should like to explain how we keep those books, Mr. Chairman, and it will show you that I have on record in my office that will show who sent messages from Topeka. They merely show where the messages were sent to. Our books are formed so that, if filled out entirely, they would show the address, the signature, the number of words, and the amount of tolls; but, some two years ago, to do away with a good deal of unnecessary clerical work, we were instructed simply to enter the amounts of the messages and the places with which we did the business. The address and signature and everything of that kind are left out entirely.

Q. For instance, a message comes from Washington; you simply say "message from Washington—so much money." Is that all you enter?

—A. Yes, sir; and we enter whether Washington received the money or we received the money.

By Mr. RIGGS:

Q. And the number of the dispatch?—A. No, sir; no number of dispatch.

By Senator KERNAN:

Q. Suppose to-day some man sues you for not delivering a message at Topeka last February, what have you in your office, in addition to these receipt-books, which would show that you ever had delivered it to anybody or anywhere?—A. Nothing but these receipt-books would show that we ever delivered it to anybody.

Q. You have not even got a record of the numbers?—A. We have the original dispatches.

Q. But suppose the dispatches are destroyed, as they are at the end of six months, has your company no mode of protecting itself by having something to show that its officers did their duty in delivering the tele-

gram, other than some hotel clerk's receipt in a receipt-book? Do you not keep some record that it was delivered?—A. Of received messages we keep what we call the delivery-register. That register shows the address of the message, and the number of the message; that is all.

Q. And from whom?—A. No, sir.

Q. Those are the ones you send out. Now, if you want to show that you sent to its destination a message that I left there last January, have you no memorandum to show that it was telegraphed from your station?—A. Nothing at all.

Q. You do not keep that?—A. No, sir.

By the ACTING CHAIRMAN:

Q. If I understand you then, Mr. Smith, the best record evidence in book form you have as to what messages were received at Topeka, and to whom they were sent, is the receipt-books you have produced here?—A. No, sir; the best evidence we have of a message being received is our delivery registry. It is a book that we keep, in which we simply enter the number of the dispatch after we receive it, and enter the number corresponding on this book and the address.

By Senator KERNAN:

Q. That is what you call the delivery register?—A. That is the delivery register.

Q. That is a register of messages received by you?—A. The number in the delivery receipt-books must correspond with the number on the delivery register kept in the office.

Q. Then you have a delivery register that would show that a message was received and sent out for delivery; that would be the indication of that?—A. Yes, sir.

Q. Where is that book?—A. At Topeka.

By Senator HOAR:

Q. Suppose something is going on at Topeka, and there is a gentleman there who is receiving a large number of dispatches for a week or ten days from all parts of the country; I send him one from New York, and two years hence I sue the company for not delivering that dispatch to that gentleman, what evidence have you to prove that you delivered it to him?—A. We should have no evidence; everything would be destroyed; all the records and the original messages and copies.

By Senator KERNAN:

Q. Would you not still have this registry book?—A. No, sir.

Q. Do you destroy that, too?—A. Yes, sir.

By Mr. RIGGS:

Q. How often?—A. Every six months.

By Senator BAILEY:

Q. Suppose the action is brought within six months, how do you prove the delivery?—A. Inside of six months we have the delivery register that I have just spoken of, and these receipt-books. They are the only record we have in any office, except the message itself.

The ACTING CHAIRMAN. We will hear your motion, Mr. Webb.

Mr. WEBB. It is that Mr. Smith produce before the committee the book he now designates as the delivery register, showing the address of messages received at Topeka in the months of January and February, 1879, the time covered by the modified subpoena.

Senator LOGAN. Before I vote on the motion I should like to know of

Mr. Webb whether he has any messages in his possession or any copies of messages in his possession between those dates, bearing upon this case, that are not on these receipt-books, or in the messages that have been presented.

Mr. RIGGS. I have in my hand a copy of a message which was sent from Topeka within the time covered by the modified subpoena, which has not been produced to us, that bears clearly, unmistakably, upon the Senatorial question, and sent to one of the parties named in the subpoena sent from Topeka to Washington. We have failed to find it among the telegrams produced. There are other dispatches of which we cannot get copies, and we may be driven to the necessity either of foregoing proof altogether or of resorting to secondary evidence.

Senator LOGAN. According to the statement of Mr. Smith, that message, if sent to Washington City, you should get on the books here.

Mr. RIGGS. But the subpoena directed him to produce the originals of messages sent and office copies of messages received. This is a message sent from Topeka, and the original would be in the Topeka office, and it has not been produced.

Now, Mr. Chairman, in this connection let me call your attention to the application we have had pending before this committee for two weeks for facilities to explain this mistake which is alleged to have occurred on the part of the telegraph company. We have been embarrassed beyond all expression by the failure of the telegraph company to comply with the terms of the subpoena, which in its terms was perfectly clear and unmistakable. We had the very satisfactory statement from Dr. Green, so far as he personally is concerned, that there was no mistake occurring on his part; that he used the ordinary channels of his office for the purpose of communicating this subpoena and having it obeyed; but anything that has been done subsequently to the time Dr. Green instructed his law officer, Mr. Oary, we know nothing about except from hearsay statements. I say to the committee that the purpose of the subpoena has been in the main defeated unless we can in the way we are now pressing get some clue to testimony which we desire to produce before the committee. I say, so far as this dispatch is concerned we are able to show that it was sent from the Topeka office. This happens to be the only one at this time; but the fact that a single dispatch, and especially a dispatch as long as this, which is, perhaps, one hundred words, is missing, indicates to us, as we think, unmistakably that if the opportunity is afforded us we shall show that other dispatches are missing.

Senator BAILEY. Suppose you show that other dispatches were not sent—suppose you establish that fact, then what more can you do? What other testimony have you in reference to those dispatches or in reference to the contents of those dispatches?

Mr. RIGGS. As to one dispatch, I can only say this, that certain persons were shown during last winter, during the progress of this matter at Topeka, that which purported to be the copy of a dispatch sent between two of the points named in the subpoena. I myself, of course, do not know personally that it was a copy of the dispatch. The same paper was shown to me by a person whom I believe to be entirely responsible. It was at the very time the message was sent I was shown that which purported to be a copy of the dispatch which has not been produced.

The ACTING CHAIRMAN. The books do not show the contents of any of the dispatches.

Mr. RIGGS. I understand that.

The ACTING CHAIRMAN. You simply now, I understand, want to prove

by the books the sending of certain dispatches for the purpose of laying the foundation to prove their contents?

Mr. RIGGS. Yes, sir; and for further examination.

The ACTING CHAIRMAN. Suppose the books should show that dispatches were sent, have you a witness here to prove the contents?

Mr. RIGGS. So far as one or two dispatches are concerned we have. So far as the other dispatches are concerned, we have not.

The ACTING CHAIRMAN. Then the committee will allow you to prove the contents of those dispatches without producing the books, I have no doubt. I do not see the necessity of producing those books to establish the preliminary fact that the dispatches were sent.

Senator HOAR. You may go on *de bene esse* subject to the final action of the committee as to striking it out or putting it in hereafter. You may go on and prove now, without getting those books, everything you could prove if you had them.

Mr. RIGGS. I doubt whether we can do that.

The ACTING CHAIRMAN. Then why should we send for the books?

Mr. RIGGS. I doubt if we can prove all we could prove if we had the books.

Senator BAILEY. What will the books establish?

Mr. RIGGS. They may establish one thing that is very important for this committee to know and very important for us to know, that this statement in relation to the accidental destruction of dispatches is not true.

Senator HOAR. That is a question as to the witness. It does not affect Mr. Ingalls.

Mr. RIGGS. I say it may prove that. It may prove that the excuse rendered by the telegraph company for not producing the telegrams from Wamego, Emporia, Atchison, Kansas City, and Washington, all of which were called for in the subpoena served upon them, that that excuse, rendered through Dr. Green, who gets it from hearsay, is not true.

The ACTING CHAIRMAN. Suppose it is not true, how does it affect the question in this case?

Mr. RIGGS. Then it seems to me the committee would permit us to show the circumstances under which that destruction occurred, so as to ascertain whether or not the party whose title is being inquired into had any relation with the act.

Senator HOAR. If you can show that Mr. Ingalls had anything to do with that behavior of the company, which you allege to be wrong, show it immediately without waiting for anything else.

Mr. RIGGS. I am simply asking for the ordinary means of proof.

The ACTING CHAIRMAN. We have asked you these questions, Mr. Riggs, for this reason: I have no doubt every member of the committee desires to afford you every facility to arrive at the truth, but we do not think the public interest would be subserved by holding open this investigation and keeping this committee here for you to send to Topeka or elsewhere for books which may be worth nothing to you when they get here, and the necessity of producing which the committee feel disposed to avoid if possible. We cannot punish Mr. Smith for sending those books off, because the modification of the subpoena was the action of the committee, and in point of truth Mr. Smith is not now under subpoena to produce those books; he is relieved of that, and it seems he has produced everything which he was required by the subpoena to produce. You make a motion now, the substance of which is that he have another subpoena to produce the books. That causes delay. We have asked

you these questions for the purpose of ascertaining the facts. While we will give you every facility to produce material testimony, we do not want to wait here for you to produce immaterial testimony, and, therefore, as these books do not show the contents of the telegrams, and as their production would do you no good unless you had proof beyond of the contents, we propose to allow you to prove the contents now without the production of the books, saving all the delay and trouble which would be caused by sending for the books.

Again, you say you want to prove the fact that these telegrams were destroyed, and that the report of the telegraph company that it was an accident is not true. That would not affect Senator Ingalls unless you prove that he was a party to that destruction, and I do not see how that would affect the real merits of the case unless you prove further that he was a party to the destruction for the purpose of suppressing telegrams which show the corruption. You would have at last to go down to the contents of the telegrams before any of this would do you any good.

Now, we say that as the proof that the destruction of these telegrams was not an accident, and that the operator answers falsely when he says it, would not of itself affect Senator Ingalls, but you would have to connect with it proof that Senator Ingalls himself was a party to that destruction, this committee will hear that proof now. We will assume for the purposes of that proof that the destruction was not accidental. If you can prove that Senator Ingalls had anything to do with that destruction or was a party to that destruction the committee will wait on you, but what we want is to avoid unnecessary delay and expense.

Mr. RIGGS. The destruction I spoke of is the destruction of telegrams called for by the subpoena. The destruction by Mr. Smith, at Pittsburgh, I have nothing to say about, because under the modified subpoena he was not required to produce them. The destruction I am speaking of now is the total destruction of all the telegrams passing between four or five other offices named in the subpoena, and to enable us to inquire as to which we filed some days ago a præcipe for a subpoena on the officers of the telegraph company who were charged with obedience to this subpoena and failed to obey it.

Mr. EVEREST. I suppose it is not necessary that we shall take any part in this discussion.

The ACTING CHAIRMAN. This, I understand, is an issue with the telegraph company at present.

Mr. EVEREST. I may say that I understand from Mr. Smith that he has the very telegram and has found it, and is ready to produce it, that they are talking about, and he has an explanation of that matter, and I suppose in justice to him he ought to be allowed to make it.

EUGENE L. SMITH recalled.

By the ACTING CHAIRMAN :

Question. Have you, Mr. Smith, any telegrams required to be produced which you did not produce before ?—Answer. Yes, sir ; I have one ; and if you will permit me, I will explain in regard to this telegram, and also in regard to the copy of the telegram that Mr. Riggs speaks of being received at Topeka. At the time that copy was had there, and it was claimed such a dispatch was sent, the parties on whom the contents of the dispatch reflected, made application to me to know if such a dispatch had been made public from my office, and it was investigated

right there and then, and to the entire satisfaction of the parties that there was no such dispatch ever sent, and this copy was merely buncombe from beginning to end. In regard to this dispatch Mr. Riggs has here, as soon as I was informed by Mr. Riggs that he had a copy of a dispatch that we had failed to produce, I immediately telegraphed to my chief operator at Topeka, and asked him to go through the files of January 30th, which had not been destroyed just for this reason, to wait until we were thoroughly satisfied that there were no messages still there that were wanted, and see if he could find this dispatch, and here is the reply I got from him :

TOPEKA, KANSAS, *January 21, 1880.*

To E. L. SMITH,
National Hotel, Washington, D. C. :

I find the following on the files of January 30, 1879, which I presume is the message called for.

Then he goes on and gives the copy of the message which is identical with the copy Mr. Riggs has.

Senator HOAR. Is there any objection on anybody's part to putting that in? If not, let us have it put in now and see what it is.

The ACTING CHAIRMAN. I think it is right to let it go in. It is completing the answer of the telegraph company as to the messages.

By Senator BAILEY:

Q. How was that overlooked, Mr. Smith?—A. Excuse me a moment till I state in regard to this message failing to be here. We have from two to three hundred messages daily, and it required an immense amount of work to examine every single dispatch, which it is absolutely necessary to do, because we have no books which show where to find the dispatches, and it took myself and one clerk several weeks to go through the entire dispatches to pick out those wanted. This one was overlooked. I do not think there is another dispatch that was, but if anybody has any idea of any other dispatch, I shall be happy to investigate and see if it can be found. I am quite well satisfied myself there are no other dispatches that have not been produced.

Senator HOAR. Is there any objection in any quarter to putting that copy in?

Mr. RIGGS. I do not object now.

Mr. EVEREST. We have said from the commencement that all dispatches that the other side want produced may be produced.

Senator HOAR. Then as a member of the committee I desire to have that put in.

The ACTING CHAIRMAN. Put that in, Mr. Smith.

Senator. HOAR. Read it.

A. It reads:

Topeka, Kas., January 30, 1879. To Hon. P. B. Plumb, Washington, D. C. The parties misrepresent you, or you are not rightly informed, or you are deceiving us. Nothing but a plain declaration to them and to us will vindicate you in your assertions to me and to Pomeroy. Telegraph such declaration to them and to us at once. No delay can be apologized for or condoned. If you want your friends to work and vote for Ingalls, say so plainly; if not, say so to both parties alike. I am not misinformed; they are working for Ingalls as much as Peck is, and have been from the start. Pomeroy, Simcock, and I can forgive mistakes and defeat, but can never forgive a broken pledge. Answer immediately.

ANDREW.

Mr. EVEREST. I want to say as representing the respondent that that dispatch we did not urge the production of. We are not here engaged

in any controversy between Mr. Plumb and his friends, nor do we care anything about it.

Mr. WEBB. Mr. Chairman, I want to say a word in regard to this matter. Mr. Smith produced here in obedience to the subpoena what he said were all the dispatches covered by the subpoena. He now says that there is one dispatch that was covered by the subpoena that he did not produce. It does not need any argument to show that he might be mistaken and that the other messages which we have looked for in vain may still be in the Topeka office. The very mistake that he confesses here must have its weight somewhere in determining some questions which we are asking with respect to the production of books, papers, and records. Mr. Smith admits by producing this message now from the chief operator at Topeka that when he carefully went through the messages—

The ACTING CHAIRMAN. Mr. Webb, I must say for myself as a member of this committee that I do not understand this proceeding. You seem to be requiring the production of books from Topeka from the telegraph company for the purpose of seeing if you can thereby prove the existence of certain telegrams which you say you have copies of. You do not produce those copies; you have never called the attention of the committee to what they were. Why do you not call the attention of the committee and say, "Here, we have got copies of certain telegrams that we believe are in existence, and we require their production." The committee might say that those telegrams if produced would amount to nothing. You have this committee on a fishing expedition to see whether the books would show certain facts, and we have no evidence that they would be material if shown. If you want to make a motion, make it distinctly, and show what you want to prove. In court, before you could require the court to take action, you must show that it would be material to the case.

Mr. WEBB. I have no motion to make. I made a motion some time ago, which the committee overruled, in regard to the production of books. I only desire to say that this disclosure of Mr. Smith, now made, distinctly shows that he did not produce all the messages.

The WITNESS. I should like to state that I have already informed the counsel for the memorialists that if they have any record of any dispatch which we have not already produced, and if they will give it to me, I shall use my utmost endeavors to find such dispatch.

By the ACTING CHAIRMAN:

Q. Have you used good faith and done all you could to comply with the subpoena in the production of telegrams?—A. I certainly have.

Q. Have you intentionally concealed any telegrams?—A. No, I have not.

Q. You have disclosed them to the best of your ability?—A. To the best of my ability.

Q. And if there is anything behind within your reach you are not aware of it?—A. No, sir.

Mr. RIGGS. Let me say that we were shown the books without the telegrams. The telegrams have only been within a little while in our power to inspect. We should like to have the opportunity of comparing the numbers on the books to which the signatures are attached with the numbers of the telegrams that have been singled out as probably bearing on this case. That opportunity never has been afforded us.

The ACTING CHAIRMAN. How long will it take you to do that?

Mr. RIGGS. We can do it this afternoon.

Senator LOGAN. I read them over in about twenty minutes.

The WITNESS. Do I understand that I am discharged from further attendance here?

Senator HOAR. I move that Mr. Smith remain for the present.

The WITNESS. I am perfectly willing to leave those books here that the counsel may examine them at their leisure; but I have been from home two months and should like to get through as soon as possible.

Mr. RIGGS. We shall get through with you this afternoon. There is no question about that.

The ACTING CHAIRMAN (to Mr. Webb). Have you any other witness you wish to produce?

Mr. WEBB. Not now.

The committee took a recess for half an hour, at the expiration of which time it resumed its session at two o'clock p. m.

J. J. BARKER, a witness called by the memorialists, sworn and examined.

By Mr. WEBB:

Question. Where do you reside?—Answer. I reside in Leadville, Colo.

Q. Did you reside at any time in the State of Kansas?—A. Yes, sir.

Q. For what length of time?—A. I moved to Kansas in 1870. I resided there until about the beginning of 1879, or a little before that time, when I went to Colorado.

Q. State if you were in Topeka in January, 1879.—A. I was.

Q. On what business?—A. On private business of my own.

Q. At what time did you reach Topeka?—A. I do not know the exact date—the latter part of January. I think, probably, from about the 23d or 24th to the 26th or 27th; somewhere along about there.

Q. At what hotel did you stop?—A. At the Tefft House.

Q. You arrived there before the Senatorial election?—A. Yes, sir. I would not be positive about the date.

Q. How many days were you there, according to your best recollection, before the final vote was taken for United States Senator?—A. Four or five days.

Q. Did you remain there until after the final vote had been taken?—A. I did.

Q. Were you at that time acquainted with Senator J. J. Ingalls?—A. I was.

Q. How long had you known him?—A. Four or five years.

Q. Have you at any time lived in Atchison, where he resides?—A. Yes, sir.

Q. Are you not a lawyer by profession?—A. Yes, sir; I have been. I am not practicing law now.

Q. You did practice law in Kansas?—A. Yes, sir.

Q. State what political party you belong to.—A. I am a bushwhacker. I should think. I have been in the Democratic party ever since 1873. I was a Liberal Republican, one of the manufacturers of Greeley as a candidate for the Presidency, but I have been recognized in South-western Kansas as a Democrat.

Q. While you were in Kansas you acted with the Democratic party?—A. Yes, sir.

Q. Your position as a member of the Democratic party was known in Kansas?—A. Yes, sir.

Q. Did you have any interview at all with Senator Ingalls during your stop there in January, 1879?—A. I did.

Q. State at whose solicitation or request it was.—A. I was there, as I remarked before, on private business of my own. I met Mr. Wilson there.

Q. Give his first name?—A. Joseph C. Wilson, clerk of the United States district court at Topeka. I had known him from boyhood. We talked about matters and things in general, and especially about the Senatorial fight, and he mentioned, either in that conversation or in some other, that the Senator would like to see me.

Q. Did he indicate who wanted to see you when he said "the Senator"?—A. Yes, sir; he said "Senator Ingalls," or, of course, I knew whom he meant. I do not remember whether he mentioned any name or not.

Q. You did call upon Senator Ingalls after that?—A. I did.

Q. State whether what Mr. Wilson said to you was the incentive or motive or suggestion of your call.—A. That partly, and the further fact that I knew Mr. Ingalls and knew his family, and so called upon him. I do not know that I should have called, knowing that he was probably very busy, unless I had been requested to call.

Q. In your interview with Senator Ingalls, state whether you had any talk with him in regard to the Senatorial election and in regard to the votes of the Democratic members of the house of representatives.—A. O, yes. There was not much else talked about at the State capital at that time.

Q. Did he make any request or statement at that time; and, if he did, tell what the request was, in respect to the Democratic members of the legislature?—A. My conversation with him was brief. He met me and shook hands with me very cordially, and stated that there were a few Democrats in the legislature, and he would like to have them vote for him.

Q. What else did he say?—A. That is about all he said. He said he would like to have me see certain members, and he mentioned the names of the Democrats who were members of the legislature.

Q. Can you give his words in that regard?—A. O, no; I cannot pretend to repeat the conversation. I can only give the general idea of it.

Q. Then I shall try to refresh your recollection. State whether he said to you that he wished you to go to see Democratic members of the house, and see what they wanted, and if they wanted anything to come to him and tell him.—A. He told me—

Senator LOGAN, I wish you would let the witness state what the conversation was. Your question as put is leading.

Mr. WEBB. I thought I had done all that fully and completely.

The ACTING CHAIRMAN. The question is leading; but Mr. Webb could have avoided that by asking if he said anything about knowing whether the Democrats wanted anything, and if so, for what. But go on and answer the question as it has been asked.

The WITNESS. As I said, he requested me to see these gentlemen, and mentioned their names. He said he should like for me to see them; that I was known as a Democrat, and he would like to see what they would do for him. He said, "See them, and see how they talk, and what their feeling is about it; if they are not going to vote for me, why they are not going to vote for me." And I did see them.

Q. (By Mr. WEBB.) Was there anything said as to whether, if they wanted anything, you should inform him?

Senator LOGAN. If there was anything said about that let the witness state what it was.

Senator HOAR. State fully all you remember of that conversation. When the witness has answered that, then the other question would come up.

Q. (By Mr. WEBB.) It is suggested to you that you state fully all that conversation.—A. I have stated all I remember of it.

Q. Do you remember whether there was anything said as to ascertaining whether those men would want anything? I put the question in that form.—A. How is that? You ask me now about the conversation I had with those men?

Mr. WEBB. No, sir.

The ACTING CHAIRMAN. The conversation you had with Senator Ingalls.

Q. (By Mr. WEBB.) The conversation you had with Senator Ingalls. You say that he wanted you to talk with certain Democrats, whose names he gave you. I ask you to state what names he gave you.—A. It seems to me he mentioned five names. I cannot recall all of them. I remember the names of Mr. Brinkman, of Barton County; Mr. James of Wyandotte; Mr. Donahue, of Atchison; and Mr. Greever, of Wyandotte. It seems to me there was another name mentioned and talked about, but I have forgotten it.

Q. Now what did he tell you that he wanted you to say to those gentlemen?—A. He did not tell me what he wanted me to say to them. I suppose he thought I could tell them—

Mr. EVEREST. Never mind what he thought, Mr. Witness.

Q. (By Mr. WEBB.) He gave you the names of those four, and you think of one other?—A. Yes, sir; I said he gave me another name. Whether the other was the name of a Democrat or not I do not know.

Q. You understood that the members whose names he gave you were Democratic members of the legislature?—A. I knew they were Democrats and members of the legislature.

Q. Did Senator Ingalls know that you were a Democrat?—A. Yes, sir.

Q. Was there anything said in the conversation between himself and you in regard to your being a Democrat?—A. Yes, sir.

Q. State what he said.—A. He said, "You are a Democrat," and he said, "I believe you are a friend of mine, and I think you can do me some good. I want you to help me; talk with these men."

Q. What else did he say?—A. As I told you, I cannot remember. I did not pretend to charge my memory with it, and I do not remember now. I know that was the substance of the conversation.

Q. Did you talk with any of the men whose names he gave you?—A. Yes, sir; I talked with every one of them, I think.

Q. What did you say to them?—A. I told them they had better vote for Mr. Ingalls for Senator.

Q. What else did you say to them?—A. I said a great many things that I cannot remember now.

Q. I ask for those things that you can remember?—A. I cannot remember what I did say, more than I told them that I thought Mr. Ingalls was a very good man, a very clever man, an able man, and I thought he made a good Senator, and they had better vote for him. I told them that I supposed there was money being used in the canvass on both sides; that everybody was there with money. I supposed that was the fact, and I said I supposed there never was a Senatorial election in Kansas in which money has not been used.

Q. I am not asking your opinion or anything except what you said to those men?—A. I said that to those men.

By the ACTING CHAIRMAN.

Q. You said you supposed there was money being used in the canvass?—A. Yes, sir; that is what I said to these Democrats. I stated to them then that I supposed money was being used, and I said to them then I supposed money always had been used in Kansas at every Senatorial election, as far as I had known. That is what I said.

By Mr. WEBB:

Q. Was there anything else said by you to them in regard to money?—A. I think not.

Q. Was there anything said by you then as to whether they could or could not get money themselves for their votes?—A. I said in these conversations that I had with them that I thought they could get money for their votes. I did not say whom from.

Q. Do you know how these men had been voting previously to your first talk with them?—A. I do not think they had been voting at all before I talked with them. I do not think there had been any balloting for Senator.

Q. Now, I will go back and again ask the question of you, whether Mr. Ingalls said to you that he wanted you to see these Democrats, and to see what they wanted, and if they wanted anything to come to him? Was there anything of that kind said, and if there was, state what was said.—A. I can only repeat what I said a moment ago, that Mr. Ingalls told me he wanted me to see those men, to see if they would vote for him, and if they were not going to vote for him, why?

Q. You do answer the question that I asked; you are only repeating what you before stated.—A. Yes, and I will repeat it again if you ask me the same question over.

Q. Did Mr. Ingalls request you to ascertain whether they wanted anything?—A. My idea is that Mr. Ingalls wanted to know whether they did want anything, about how they felt, what their ideas were.

Q. Tell us what Mr. Ingalls said which gave you that idea.—A. The very fact that Mr. Ingalls sent for me and talked to me about that matter gave me the idea. It would give anybody the idea.

Mr. EVEREST. That is not admissible.

The ACTING CHAIRMAN. It is not admissible, but then it is harmless, anyway. Of course what his idea was is not evidence.

Senator HOAR. I think the witness should understand, without raising the question whether it was proper for him to state what he told those members of the legislature, which is another thing, that his present suppositions about the matter are not competent evidence.

The ACTING CHAIRMAN. I understood the witness to say that he would repeat what he said to the members of the legislature, and he went on to say what he said to the members, and as a declaration to the members it is admissible.

Senator HOAR. At any rate, whether it is admissible or not, nobody raises any question about that now. The only point is that the witness should understand that he should not go out of the ordinary line.

The ACTING CHAIRMAN (to the witness). Your ideas are not evidence, even though you may think you had good reasons for them. You were asked what Mr. Ingalls said. If you recollect what he said, state it.

The WITNESS. I cannot state what he said. I have only attempted all the time to give the substance of the conversation.

Q. (By Mr. WEBB.) Was there anything said in your conversation with Mr. Ingalls by him in regard to money? Did he use the word "money?" If he did, state in what connection he used it.—A. I do not think he said anything about money; not in words.

Q. Is it your best recollection that he did not use the word "money?"
—A. That is the best recollection I have.

Q. Did he not say to you, "I have got money, and I want you to see those fellows and see what they want?"—A. No, sir; he did not say that to me. I suppose when you put the question that way you require the exact language.

Q. Did he say anything like that to you?—A. I told you that I do not think he mentioned the word "money."

Q. Did he say anything of the like import?—A. I think Mr. Ingalls said in conversation that he always rewarded his friends.

Q. State what he did say fully.—A. That is what he said. I cannot say what he said in words, but it meant that.

Q. When did you arrive in this city?—A. This morning.

Q. At what time?—A. About six o'clock, or whatever time the Baltimore and Ohio train arrives; I think about six.

Q. State if you have had any conversation with any person or persons regarding the fact that you were here as a witness.—A. I had.

Q. With whom have you talked?—A. I had quite a long conversation with Colonel Blake in the Treasury Department. He is in the First Auditor's office, I believe.

By Mr. EVEREST :

Q. What is the first name?—A. James.

By Mr. WEBB :

Q. At what hour was that?—A. That was about noon, I should think; a little before twelve.

Q. Had you a conversation with any other person?—A. With nobody else except what I had here.

Q. Whom did you talk with here? Of course you talked with Mr. Riggs and myself.—A. With Jones, I believe.

Q. Who is Mr. Jones?—A. A gentleman here.

Q. What is his full name?—A. C. J. Jones.

Q. State whether any person has made any threats to you since you have been here, or made any statement giving you any information as to the threats of other persons in case you gave any testimony here.—A. I can state what has been said if that is what you mean, if that will answer the question.

Q. I should like an answer in your own way. I do not care to change the question. I will, however, ask you if Mr. Blake said anything on that subject or of that import?—A. In my conversation with Colonel Blake—a gentleman I have known for many years and who has known me—he said he was sorry I was here, sorry to see me here, "because," he said, "I understand that if you are called before the Senate committee perhaps I am to be called as an impeaching witness"; and he said, "I do not want to be called in any such capacity."

Q. Did he say whether any other person would be called in case you were?—A. O, yes; he said a large part of the population of Southwestern Kansas would be called here.

Q. Did he name any other persons?

Senator HOAR. Would it not be well to have him state the conversation?

Mr. WEBB. Very well; state the conversation.

A. He told me in conversation, and he declined to give me his informant, that he had heard so. However, he said it was not from any party interested in the case. He said he knew it, and had got it from a reli-

able source, that that was to be the programme; if I testified here my testimony was to be impeached.

Q. You say that was about 12 o'clock to-day?—A. Yes, sir.

Q. Six hours after your arrival in the city?—A. Yes, sir.

Q. Was that the first time you had seen him to-day?—A. That was the first time I had seen him for quite a while.

Q. State what, if anything, Mr. Jones said in the same regard.—A. I believe Mr. Jones told me about the same thing.

Q. State just what he said to you and where he said it.—A. He said that witnesses would be brought here from Kansas to impeach my testimony in this case.

Q. Where did the conversation between Mr. Jones and yourself take place?—A. Outside of the committee-room door.

Q. Just outside here?—A. Yes, sir.

Q. At what hour of the day?—A. About an hour ago, I should think.

Q. State whether it was not just before the committee took a recess for the purpose of counsel consulting with you.—A. Yes, sir; it was.

Q. Whom did you first meet from Kansas this morning?—A. Mr. M. M. Murdock, the editor of the Wichita Eagle, and Col. H. S. Taylor, I think, receiver of the land office.

Q. State whether Mr. Murdock is a Federal office-holder.—A. I suppose the record will show. I understand that he is.

Q. He is the postmaster at Wichita?—A. Yes, sir.

Q. The editor of the Onachita Eagle?—A. Yes, sir.

Q. He and Colonel Taylor both reside at Wichita?—A. Yes, sir.

Q. With whom did you first converse about your testimony in this case after your arrival here this morning?—A. I do not know that I conversed with anybody about my testimony in the case.

Q. Who has asked you about your testimony in the case?—A. I do not think I have talked about any testimony in the case at all, to anybody.

Q. You have talked to Mr. Riggs and myself. To anybody else?—A. I think not. I do not know what I said to you, except that I was here as a witness. I met Colonel Everest on the street, but he did not stop and talk to me very long. I did not know that he was here.

Mr. EVEREST. I will state to the committee that I met Mr. Barker here on my way to the committee and shook hands with him, knowing him. That is all there was of it.

Q. (By Mr. WEBB.) State whether in conversation with any Democratic members of the House whom you have named, you had any talk about the payment to them of money for their votes for Mr. Ingalls?—A. I was not paymaster for Mr. Ingalls, and never understood it so. Therefore I could not very well have told them anything about my paying them anything.

Q. The question asked was whether you had any conversation about their being paid, or their receiving money for their votes for Mr. Ingalls?—A. As I said before, and I say now, I told those men that money was being used in that canvass, and they could get money for their votes.

Q. State whether Mr. Ingalls placed in your hands, or under your control, any money for the purpose of securing Democratic votes?—A. I decline to answer.

Q. (Presenting a letter.) I ask if that letter is in your handwriting?—A. (Examining.) I believe it is; yes, sir, it is in my handwriting.

Q. Written by yourself?—A. Yes, sir.

Q. At the date that it bears there?—A. Yes, sir.

Q. (Presenting another letter.) I wish to ask if that letter is in your handwriting, and written by yourself at the date it bears?—A. (Examining.) I think so. I object, Mr. Chairman, to these letters being introduced. They are private correspondence between myself and another, not between myself and counsel in this case. I object to having the letters going in as testimony at all. It is a breach of private confidence. They were written to an old gentleman in Washington, and are no part of this case. I do not see by what means the counsel in the case have them at all.

The ACTING CHAIRMAN. We will pass upon that before they go in. The counsel is simply asking you now if they are your letters. He has not offered them yet.

Mr. WEBB. We ask for these letters to be read in evidence.

The ACTING CHAIRMAN. Let me see them.

The letters were handed to and examined by the Acting Chairman and the other members of the committee.

The ACTING CHAIRMAN. Mr. Webb, what is the object of this testimony; is it to impeach the witness?

Mr. WEBB. No, sir, but to sustain the testimony as to that which he declines to answer now. It performs two offices.

The ACTING CHAIRMAN. I will state to you frankly that the witness has objected to this testimony going in, and we must determine that question, and, with due respect to you, I ask what is the object of it? Do you offer it as original evidence? You can offer testimony for two purposes: you can offer testimony to establish the main proposition; that is, original evidence; or you can offer testimony to impeach a witness. But you cannot impeach your own witness. I only want to know the ground upon which you offer it. These are declarations by the witness in relation to himself. Now, how do they affect Senator Ingalls? How do they enlighten us on this issue? They may enlighten us as to the witness; they may enlighten us as to what you wanted him to say, but which he declines under oath to say. These letters are not under oath.

Mr. RIGGS. Let me state that the purpose in offering them was to vindicate ourselves.

The ACTING CHAIRMAN. You need no vindication.

Mr. RIGGS. From the beginning of this case we have endeavored to act in the most perfect fairness with the committee, and we offer them for the purpose of showing that the previous statement which we made, and on which we asked for the subpoena of this witness, was not stronger than the letters of the witness.

The ACTING CHAIRMAN. It is good for that purpose, but it is not good as evidence.

Mr. RIGGS. We do not claim it as evidence in the case.

Senator HOAR. It seems to me that the proper time to determine the question whether those letters are admissible or not is after the witness has testified. He is the person who is on the stand now. It may be that those letters would be very seriously important as tending to contradict the witness, to impeach him, to impair the confidence of the committee in him; and it might be that even if neither party desired to put them in, the committee would of their own motion think they were proper; but at any rate we cannot determine that question while we have the witness on the stand. The witness has identified the

letters. I think the question of what should be done with them can be settled properly only when the witness is off the stand.

The WITNESS. Can I be heard a moment ?

The ACTING CHAIRMAN. Yes, sir.

The WITNESS. I desire to make a point, Mr. Chairman, and that point is this : I desire to have those letters taken from before the committee entirely, for the very reason that you could not use those letters against me. That is a private correspondence between myself and another gentlemen in the city of Washington. I do not know of any rule that would allow those letters to be admitted in any court. I want to know if this committee is going to take part in the contemptible business of taking a man's private correspondence and making it public.

The ACTING CHAIRMAN. The committee will do what is right. It will not do anything improper. We had to see the letters to determine whether they were admissible as evidence in this case. You need not fear any injustice or wrong from the committee.

Senator BAILEY. I desire to say that when the witness speaks of the committee being engaged in a contemptible business, I think he is in contempt of the committee.

The WITNESS. I did not intend to do that, of course.

Senator BAILEY. And it is an insult to the counsel who offered the letters in evidence.

Mr. RIGGS. The second letter was written, as you will see, logically following the first, for the purpose of putting counsel in possession of a fact upon which they could base a professional statement. That the second letter shows. I simply want that known.

The WITNESS. There is no question about that. I do not deny it.

Senator HOAR. The conduct of the counsel, as I understand, has been entirely proper in all things ; there is no imputation upon them. The question whether the letters tend to support the witness, or tend very seriously to impair the confidence that we could put in him, is a question that it would be premature even to discuss now.

Mr. WEBB. I withdraw the letters for the present.

Mr. EVEREST. I should prefer that the letters should remain under the control of the committee until the committee finally passes upon them. We have never seen them and we are in the dark.

The ACTING CHAIRMAN. We do not intend to let you see them for the present.

Q. (By Mr. WEBB.) I will ask you, Mr. Barker, if you know what position, if any, Mr. Blake holds here in the city under the government ?—A. He is a clerk in the First Auditor's office of the Treasury Department, I believe.

Q. Was he a resident of Kansas ?—A. He was.

Q. Did you have a conversation this morning (not a word as to what is just now) with Mr. Riggs and myself at that window (indicating) shortly before the committee convened this afternoon ?—A. Yes, sir.

Q. I will ask you to state, if the committee will permit the answer, whether you did not in that conversation say to Mr. Riggs and myself that your testimony would correspond with and support the statements made in the letter which I showed you of the date of January 12, 1880 ?—A. There was not a word said in our conversation about the letter. I state that most emphatically. The question was never asked me whether my testimony would correspond with the letter at all. The letter was never mentioned. I never had an idea until I came here ten minutes ago, during the recess, that you had the letter. I told you at the time you had no business with it.

Q. I ask you if, during the recess of the committee, we did not have a conversation sitting right here where we are now?—A. Yes, sir.

Q. Did you not say that you did not want to testify; that you would rather withdraw from the room and not testify at all?—A. I did say that I did not want to testify in the case at all; that I thought the best thing you could do would be to allow me to go my way and not call me.

Q. State whether I did not at that time tell you that I had those letters in my pocket?—A. Yes, sir, you did; and I told you that you had no business with them. I told you then, in that conversation during the recess, that my testimony would not correspond with them.

Q. As you have made that statement, I will ask you if you did not say to Mr. Riggs and myself right here, that if we put that question to you the testimony would not correspond with the letter, although the letter was true, because of the threats that had been made against you since your arrival here, and that you could not afford to be handled by all the Ingalls press of the State?—A. I said I had been opposed especially by the Republican press of the State of Kansas. I suppose everybody in Kansas knows that is true; and I did not care to have my name mixed up about the matter one way or the other. That is what I said. I said also in the conversation that I did not suppose there was a decent man in the State of Kansas who would come here and testify that he would not believe me under oath before this committee, or any place else.

Q. Yes, you said that; and did not we urge upon you that that being the case you had nothing to fear; that all we wanted was the truth?—A. That was merely an opinion.

Q. Did you not say in the conversation right here, during the recess of the committee, that the statement of facts in the letter was true, but that under the circumstances you would not swear to it?—A. No; I did not state so.

Cross examined by Mr. EVEREST:

Q. State to the committee what place you first settled in when you went to Kansas?—A. Newton, Kansas.

Q. How long did you reside there and what business were you engaged in?—A. I went to Newton in 1870, I believe, in 1870 or 1871: I would not be sure which year, but it was in the spring of 1870 or 1871. I was engaged in practicing law there.

Q. You did not state the length of time you resided there?—A. I left there and moved to Atchison in 1874 or 1875. I do not remember dates very well.

Q. Atchison, Kans.?—A. Yes, sir.

Q. What was your business there?—A. I practiced law there.

Q. How long did you remain there?—A. I remained there about a year.

Q. And from Atchison where did you remove to?—A. I removed back to Newton.

Q. How long did you remain there?—A. I remained there at that time, I think, a year and a half perhaps.

Q. What was your business?—A. Practicing law.

Q. From Newton when and where did you remove?—A. From Newton I went to Kansas City.

Q. How long did you remain there and what was your business?—A. I practiced law in Kansas City, and I was there eight or nine months or seven or eight months, something like that.

Q. Where did you remove to when you left Kansas City?

did you leave Kansas City?—A. I left Kansas City in the winter, along about Christmas perhaps, of 1878 or the beginning of 1879, some time in 1878, I think, and went to Leadville. In the mean time I had been backwards and forwards frequently out through Colorado, where I had mining interests. I went to stay in Colorado permanently in 1879.

Q. Leadville, you say, is your residence now?—A. Yes, sir; that is my residence now.

Q. You have been continually engaged in the mining business at that place since you first went there?—A. Yes, sir.

Q. And you are now engaged in it?—A. Yes, sir.

Q. From what place did you come here? At what place did the telegram reach you?—A. It reached me at Emporia, just as I was on the point of starting to Colorado.

Q. Where do your family reside now? Where are they?—A. At present my family are in Emporia, Kaus. I have no residence there. It is rather a rough country for women and children out in Leadville in the winter time.

Q. State to the committee the circumstances under which you left Newton and came to Atchison.—A. The circumstances?

Q. Yes, sir. Was it on account of any business or other trouble connected with your professional or other business?—A. I think not, sir. I came to Atchison because I thought I was going to a better town.

Q. Will you state the circumstances under which you left Atchison, if it was on account of any trouble or business matter?—A. I left there because I thought I could not make a living there. That is about the amount of the reason why I left Atchison.

Mr. EVEREST. We desire to have the question propounded by Brother Webb in behalf of the memorialists, which the witness declined to answer, put to the witness, and we ask that it be answered. I do not understand that under the act of Congress the witness can shield himself from answering the question before the committee. Let the question be read.

The question was read, as follows:

State whether Mr. Ingalls placed in your hands or under your control any money for the purpose of securing Democratic votes?

The WITNESS. I answer "No."

By the ACTING CHAIRMAN:

Q. You say that your answer is no?—A. I answer "No."

By Mr. EVEREST:

Q. Do you pretend to state that you were in any manner authorized or directed by Mr. Ingalls to inform members of the legislature that he or his friends were using money to purchase voters?—A. I never said I was.

Q. I ask you the question?—A. No, sir; I did not intend to say so.

Q. I did not suppose that you did. It was a voluntary statement on my part.—A. I said repeatedly to those men that money was being used.

Q. Did you state to any of the Democratic members of whom you speak, that they could sell their votes for money?—A. I did not.

Q. Did you know Mr. James, of Wyandotte?—A. Yes, sir.

Q. Is he not a credible young man?—A. Yes, sir; a very nice gentleman.

Q. Is he not a gentleman of more than ordinary ability for a young man in that State?—A. Yes, sir; I think so.

Q. A staunch Democrat?—A. Yes, sir.

Q. And a young man of character ?—A. Yes, sir.

Q. Did you know Mr. Greever ?—A. Yes, sir.

Q. What character does he sustain in that State ?—A. Good ; very good, sir.

The ACTING CHAIRMAN. If these questions have pertinence, of course they are allowable.

Mr. EVEREST. I have a little personal matter about this thing. I want to understand whether the Democrats of our State were engaged in selling their votes. I know these gentlemen, and know them to be men of high character, and I do not think the witness means to be so understood. (To the witness.) Did you know Joseph Donahue, of Atchison County ?—A. Yes, sir.

Q. (By Mr. EVEREST.) You knew him to be a warm personal friend of Mr. Ingalls ?—A. No ; I do not believe I could say that I did.

Q. Were you acquainted in Atchison ?—A. Yes, sir.

Q. Do you not know that the district which he represented in the legislature was very strongly Republican ?—A. Yes ; I know that.

Q. Do you not know that he was elected by the votes of Republicans upon the very instructions that he should support Mr. Ingalls for the Senate ?—A. No ; I do not know that.

Q. Did he not tell you so in the course of the conversation he had with you ?—A. I do not know but that he did, and I do not know that he did. I know that the district is Republican, and I know that Mr. Donahue is a very popular man.

Q. You do not pretend to state to the committee that you said to Joseph Donahue that he could get money for voting for Mr. Ingalls, or any one else ?—A. No, sir ; I did not say so. I said that I told them that money was being used.

Q. Was that meant by you to carry the idea that those men would accept money for their votes ?—A. No, sir.

Q. Did you make the remark to others ?—A. I made it to everybody. I made it here, did I not ?

Q. I believe you did.—A. I suppose it is true.

Q. I do not care about that ; did you know Mr. Brinkman ?—A. Yes, sir.

Q. A gentleman of character in the State ?—A. Yes, sir ; a very good man.

Q. Most of the gentlemen whom you have named were old residents of Kansas ?—A. Yes, sir.

Q. Men who were well known ?—A. Yes, sir, in the part of the State in which they lived.

Q. In Kansas, during that Senatorial fight, the Democrats in the legislature I suppose you knew to be hopelessly in the minority ?—A. Certainly. I will state that the question of voting for Charley Blair was discussed.

Q. Who is Charley Blair ?—A. Charles W. Blair, of Fort Scott.

Q. General Blair ?—A. General Blair.

Q. The question was canvassed and talked about whether to give a complimentary vote to Gen. C. W. Blair, of Fort Scott ?—A. I said it was.

Q. Do you not know that so far as the Democrats were concerned the election of a United States Senator from Kansas at that Senatorial election was merely a choice as between individuals ?—A. Yes, sir ; that is all it was.

Q. And you mean to state that you with other Democrats favored the election of Mr. Ingalls ?—A. Yes, sir.

Q. Out of personal consideration ?—A. That is what I mean to say.

Q. I ask you if you do not know that to be a fact with regard to the leading Democrats of the State with whom you are acquainted ?—A. I lived in Missouri then and was on my way to Colorado, and I did not consider that I had any part or parcel in it.

Q. You have a stumping acquaintance with the leading Democrats of Kansas ?—A. Yes, sir.

Q. I ask you not only as to yourself, but whether other Democrats who were actually residents of the State were not favorable to the election of Mr. Ingalls ?—A. I think so from the fact that they voted for him.

Q. Then it was a mere matter of choice between men ?—A. Yes, sir.

Q. Were you doing anything else except to aid in that direction ?—A. In reference to Senator Ingalls ?

Q. Yes, sir.—A. Not a thing.

Q. I ask you if from the character, reputation, and your acquaintance with the gentlemen you have named, you had the remotest idea that those men would accept money for the purpose of influencing their votes, any one of them ?—A. I do not know that my ideas about the matter would have anything to do with the question.

Q. From their reputation and character ?

The ACTING CHAIRMAN. That is not a proper question.

Re-examined by Mr. WEBB :

Q. Is it not the fact that the Democratic members of the legislature went into caucus and nominated John R. Goodin as their candidate, and stood by him for several votes ?—A. They may have cast a few complimentary votes for him ; perhaps they did ; I do not know. I say the question was talked about generally throughout Southwestern Kansas by Democrats, what few there were of them, whether the members of the legislature ought not to give General Blair a complimentary vote, and they may have given a complimentary vote to Mr. Goodin ; but I do not think they thought of electing either of them.

Q. Do you know that a large majority of the Democratic members of the legislature voted against Mr. Ingalls and in favor of Mr. Horton ?—A. No, I do not.

By Senator BAILEY :

Q. Where are you going from here ?—A. I am going to Leadville.

Q. Have you business here in the city or in New York, Philadelphia, or any of the eastern cities ?—A. No, sir ; no business at all.

Q. Did you write a letter or any letters with a view to secure your being subpoenaed to appear before this committee ?—A. No, sir ; I have business in Leadville and would very much rather have been allowed to go on west than to come east.

Q. Where is your family now ?—A. My family is at Emporia, Kans. I go through Emporia as I go to Leadville.

By Mr. WEBB :

Q. A question which we asked you you declined to answer. Upon the cross-examination the same question was repeated to you, and you answered it "No." Now, I wish to ask you if, in the conversation here during the recess of this committee, you did not state to Mr. Riggs and myself that Mr. Ingalls did give you money to be used for the purpose of getting Democratic votes, but that if we asked the question and pushed you to answer, you should say no ; that if the question were asked, you would first claim your privilege ; did you not say that to

us?—A. No, sir; I did not. I told you, as I said a moment ago, that my testimony would not be as those letters indicated. I told you most emphatically so.

Q. Do you say that you told either Mr. Riggs or myself, or both of us, that any statement in the letters which have been now shown to the committee were untrue?—A. I say that you asked me awhile ago if we had a conversation about the letters this morning, and I said that we had no conversation about the letters this morning; that during the recess of the committee you first intimated to me that you had those letters; and then I told you I would not testify to them.

Q. I want you to answer the question I have asked.—A. I have answered it.

Q. Do you say that you said to Mr. Riggs or myself, or to both of us, that any statement made in those letters, or either of them, was not true?—A. I say you told me you had those letters—

Q. Wait a moment.—A. I am answering the question.

Q. No, sir; you are not trying to answer the question.—A. Then, if I am not, I will hear the question.

Q. Did you tell us that any statement in those letters was not a true statement?—A. I am trying to tell you what I did say, if I may be allowed to do so.

By Senator BAILEY:

Q. Answer the question whether you made the statement or not.—A. I did not use exactly those words.

By the ACTING CHAIRMAN:

Q. What did you say?—A. This is what I did say: Mr. Webb told me during our conversation, while the committee was taking a recess, that he had those letters. I told him that he had no business with those letters, and he asked me if I would not testify that what was in those letters was true, and I told him I would not. That is what I told him.

By Mr. EVEREST:

Q. To whom were those letters written?—A. They were written to Mr. Ayres.

Q. Who is he?—A. A correspondent of the Kansas City Times.

Q. That is a sheet that has been engaged for the past few years in personally abusing Mr. Ingalls?

The ACTING CHAIRMAN. That is not a proper question. We will not try the Kansas City Times.

By Senator BAILEY:

Q. Where did you see the Colonel Blake you spoke of?—A. I saw him at the Treasury Department.

Q. Did you call to see him?—A. Yes, sir.

Q. Did he send a message for you?—A. No, sir.

Q. You went to see him of your own motion?—A. Yes, sir.

Q. You told him your business here?—A. He knew my business.

Q. Did he ask you anything about your business here?—A. Almost his first remark after saying he was glad to see me, and after asking me about my folks, was that he was sorry I was here, for the reasons I have given.

Mr. WEBB. I ask that those letters may now go in evidence.

The ACTING CHAIRMAN. For what purpose do you offer the letters?

Mr. WEBB. Under either of the general rules, of course, they are not

competent. I ask that they go in evidence for the purpose of vindicating ourselves.

The ACTING CHAIRMAN. We do not think you need any vindication.

Senator LOGAN. They are not necessary for that purpose at all.

Mr. WEBB. Not before this committee, Mr. Chairman. There is something more in this case than this committee have to determine. We would rather they should go in evidence.

The ACTING CHAIRMAN. The committee must admit evidence that is legal upon the issue being tried. You admit yourself that these letters are not competent evidence upon that issue. Then upon what ground could you ask the committee, who are acting here officially and as judges, to incorporate testimony in the record that you admit yourself is not competent?

Senator HOAR. I think the party calling the witness have a right, if they choose, under the circumstances, to cross-examine him, and so far as that would involve the use of the letters for that purpose they have a right to use them. I do not see how they can be put in as evidence in the case.

Senator BAILEY. I think the counsel has a right to read the letters to the witness and ask him if he wrote them.

The ACTING CHAIRMAN. He has done that.

Senator CAMERON. The witness has admitted that he wrote them.

Senator BAILEY. But the letters are not a part of the record of this proceeding. After that is done the question might be raised whether we would receive the letters as evidence. The question would be decided unquestionably that they could not be received as evidence, but I think the counsel can accomplish what they desire to do by the method I have indicated.

Senator HOAR. Whether we should then order the letters to be printed in the record is another question.

Senator BAILEY. I have no idea that the letters will influence the mind of a single Senator either here or in the Senate chamber, for it is very evident if they were written by the witness, in view of his testimony here, anything that he may testify in this cause will not in the slightest degree influence the opinion of any man upon earth; but it is in the estimation of the counsel a matter of some importance to them in the vindication of their professional character and reputation that the facts in connection with this matter shall be made known. That is one of the reasons, and the chief reason, why I insist upon their being admitted.

The ACTING CHAIRMAN. I do not understand that as a member of the committee I am here to vindicate the character of counsel. I am satisfied that Mr. Webb and Mr. Riggs are both very honorable men, and they have acted very honorably in this transaction. I see nothing to indicate to the contrary, but everything to indicate that they have acted with exceeding honor and correctness. I must rule myself (the committee can overrule me if they choose) that the testimony is not admissible, directly or indirectly. That is my own judgment about it. I have no objection, so far as I am concerned, to seeing the letters in the record; but I do not see how they could affect the issue one way or another, I confess.

Senator LOGAN. I object most seriously to anything going into the record that is not testimony.

Senator HOAR. It does not seem to me that the letters are a part of our record, and certainly the declarations made both by Senator Bailey

and by the chairman of the committee, which are a part of the record, are all that the counsel would desire.

Mr. WEBB. Is it the opinion of the committee that the letters cannot be admitted?

The ACTING CHAIRMAN. The chair will take the vote of the committee upon the question.

The question being taken, the letters were not admitted—yea, 1; nays, 5, as follows:

Yea.—Senator Bailey.

Nays.—Senators Hill, Pryor, Cameron, Hoar, and Logan.

Mr. WEBB. I believe we have no further questions to ask the witness. nor have we any other witnesses here to-day.

The committee adjourned to Tuesday, the 27th instant.

JANUARY 27, 1880.

The committee met pursuant to adjournment.

Present, the Chairman, and Senators Hill, Bailey, Pryor, Cameron, Hoar, and Logan; also Messrs. Stumbaugh, Webb, and Riggs, of counsel for the memorialists, and Messrs. Everest and Merritt, of counsel for the respondent.

CHARLES M. FOULKES, a witness called by the memorialists, sworn and examined:

By Mr. WEBB:

Question. Where do you reside?—Answer. I reside in Kansas, Osage City.

Q. How far from Topeka?—A. I should judge it was thirty-four miles.

Q. How long have you resided in Kansas?—A. I went there in 1861 or 1868; 1867, I think.

Q. State whether, during your residence in Kansas, you have taken any part in politics.—A. I presume that, like the usual Kansan, I have taken some interest in politics more or less; to no great extent, however.

Q. What has been your business?—A. Merchandising.

Q. Were you at Topeka during the Senatorial election of 1877, at the time Mr. Plumb was elected?—A. I was.

Q. Did you stay there during the principal part of that contest?—A. The most of it. I did not go there when the legislature first met.

Q. Were you there during the Senatorial contest of 1879, when Senator Ingalls was re-elected?—A. I was.

Q. What length of time were you there during that period?—A. I cannot state definitely; something like two weeks, perhaps longer.

Q. The two weeks next preceding the final vote?—A. Well, yes. I went there some time after the legislature convened—shortly after.

Q. Where did you stop—at what house or hotel?—A. The Ted House.

Q. What room did you occupy while there?—A. No. 120.

Q. On what floor was that?—A. On the third floor.

Q. Did you know the fact that Senator Ingalls had rooms at that house?—A. Yes, sir; I understood they were his rooms. He was there and occupied them.

Q. Your room was on the floor next above the floor on which his rooms were?—A. Yes, sir.

Q. Your room was entered from a hall, was it not?—A. Yes, sir; there was a hallway there.

Q. In what direction did that hall run; east and west or north and south?—A. If I was certain of the direction of Kansas avenue, I could tell you.

Q. The hall runs east and west?—A. I think so; it is right at the head of the stairs.

Q. Your room, then, was on the north side of the hall?—A. Yes.

Q. Can you give the numbers of any other rooms on the same side of that hall, the north side adjacent to yours?—A. Senator Murdock had a room there; I think it was 122 or 118, I am not positive. Anyhow, it adjoined 120.

Q. That was to the east of you, between you and the avenue?—A. Yes; right on the street.

Q. Who occupied the rooms west of you, or do you know the numbers?—A. I do not know positively. Mr. Miller, I think, had one room adjoining.

Q. Next west of your's?—A. Yes, sir.

Q. Who occupied the room next west of Mr. Miller?—A. That I cannot say.

Q. What was the number of that room?—A. I cannot say positively.

Q. Calling your attention to it, I ask you if it was not room 117?—A. It might have been.

Q. Is not that your recollection now?—A. No. In fact, I have no recollection in regard to the numbers of those rooms along there more than the one I occupied and the one Senator Murdock was in.

Q. The room next west of yours was Mr. Miller's room; that you remember, do you?—A. Well, no; I cannot say positively. I could, if I saw the diagram. As near as my recollection goes, it would be.

Q. Coming up the flight of stairs from the floor below to that floor, let me ask you, in going directly from the stairs north, into what room would you go; into room 120 or the room occupied by Mr. Miller or the room next west of Mr. Miller's?—A. I think it would take a man into Mr. Miller's room.

Q. Were you in Mr. Miller's room at any time?—A. No, sir.

Q. Were you in the room next west of Mr. Miller's?—A. Yes, sir.

Q. Do you remember that there was a little step or two to get into that hall?—A. There was a small hall there, but what way it ran I could not state positively now.

Q. Were you in that room?—A. Yes, sir.

Q. You say you were at Topeka about two weeks. What were you doing there?—A. Well, I had a natural curiosity to be at the Senatorial election, and then I felt friendly towards Mr. Ingalls, and I went up there to see if I could do any good.

Q. Then you contributed your personal support and assistance to Mr. Ingalls in that canvass, did you?—A. To the best of my ability, yes, sir.

Q. I have here a plat or diagram of the second and third floors of the Tefft House, which was offered in evidence and received in evidence by the sub-committee in Topeka. I want to call your attention to the situation of the rooms on this plat. [Exhibiting.] This is marked "second floor," that is "third floor," and that is the stairway [indicating] which goes up. Now, state from the plat about these rooms. You say you occupied room No. 120?—A. Yes, sir.

Q. You think Senator Murdock occupied that room [indicating]; that is, 122?—A. Yes, sir.

Q. You think Mr. Miller occupied the room west of you, which is 118?—A. Yes, sir.

Q. You say you were not in that room at all?—A. No, sir.

Q. But room 117 you say you were in?—A. I was mistaken; it was 116 that I was in sometimes. I tell here by the way the door goes into the hall.

Q. The distance between the doors of 116 and 117 is but a step?—A. That is all.

Q. A man could stand in the hallway and put his hand upon either door?—A. Yes, sir.

Q. The entrance to both rooms is from this same small hall you speak of?—A. Yes, sir.

Q. During your stay in Topeka while that Senatorial contest was in progress state whether you had any conversation with any members of the legislature with respect to the Senatorial election?—A. I presume I had with quite a number.

Q. Can you name any members of the legislature with whom you talked on the subject of the Senatorial election and the votes they might give for Senator?—A. Yes, sir; I presume I could name a number.

Q. Please name them?—A. I talked with the members from our county, for instance, Finch, Danhaur, and Bower.

Q. Those are the three members from Osage County—one senator and two representatives?—A. Yes, sir.

Q. What other members?—A. I presume I talked with the members from Lyon County more or less.

Q. Do you remember whether you did or not?—A. I think I did.

Q. Give their names?—A. Mr. Watson and Mr. Loy.

Q. What other gentlemen did you talk with?—A. I talked to the members from Butler County.

Q. Give their names?—A. Mr. Bronson and Mr. Albin.

Q. What other members?—A. Quite a number of others. It would take me some time to think them all up. I had a talk with one from Harvey—I think his name is Congdon.

Q. Go on and give us the names of the members with whom you talked, as rapidly as you can.—A. If you gave me a list of the representatives and senators it might assist me some. I do not recollect the names.

Q. I have not got one convenient.—A. I presume I talked to a hundred; that is, being introduced to them in one way or another, probably the question came up.

Q. You may state your object and purpose in talking to members, whether it was to influence them, and, if so, to influence them in what direction, or for whom?—A. My object and purpose was, of course, to influence them to vote for Mr. Ingalls.

Q. And that was really the purpose you had in talking with every member of the legislature with whom you talked on the subject of the vote he might give?—A. Yes, sir.

Q. You have not mentioned Greenwood County. Did you talk with the members from Greenwood County, or either of them?—A. I may have talked to Mr. Raybell. I did not know Mr. Clogston.

Q. Are you acquainted with Mr. J. V. Admire?—A. Yes, sir.

Q. He lives in the town where you reside, does he not?—A. He does.

Q. Did you see him in Topeka during the time you were there?—A. I did.

Q. Was he frequently around the Tefft House, too?—A. Well, yes, quite often.

Q. What is the color of your eyes?—A. I guess they are dark brown.

Q. Or black?—A. Yes, sir.

Q. What is the color of Mr. Admire's eyes?—A. I should say that Admire's eyes are blue.

Q. Now, I want to ask you if you did, in fact, have any conversation with Mr. Raybell during that Senatorial contest?—A. Yes, sir; I presume I did. I was introduced to Mr. Raybell by Mr. H. C. Cross, of Emporia, and we talked there for fully half an hour, I presume.

Q. In your conversation with Mr. Raybell, or with any other members of the legislature, did you talk about money or the use of money with respect to the election?—A. No, sir.

Q. Did you have any conversation with Mr. Raybell in the office of the Tefft House about the night before the final vote was taken for Senator?—A. No, sir. The only conversation I had with Mr. Raybell, I presume, was on Tuesday night of the week of the election.

Q. Where did that occur?—A. That occurred right in front of the Tefft House.

Q. On the sidewalk?—A. Yes, sir.

Q. Did you have any conversation with him in the Tefft House?—A. We possibly might have gone into the Tefft House; I would not be certain as to that.

Q. You may state whether you ever saw Mr. Raybell up in your room 120, in the Tefft House?—A. No, sir.

Q. Did you see him in room 117, as designated on that plat?—A. I did not.

Q. Did you see him in room 116, as designated on that plat?—A. No, sir.

Q. Not at any time?—A. No, sir.

Q. Did you have any conversation at any time with Mr. Admire about Mr. Raybell?—A. No, sir; not to my recollection—not at that time. I have since.

Q. I mean previous to the final vote?—A. No, sir.

Q. Is it not the fact that Mr. Admire, either by word or motion or in some manner, indicated to you to get into conversation with Mr. Raybell?—A. No, sir; Mr. Raybell was introduced to me by Mr. Cross.

Q. What Cross?—A. H. C. Cross, of Emporia; that is my recollection. It was either Mr. Cross or Mr. Martindale, but I am positive almost that it was Mr. Cross who introduced me to Mr. Raybell.

Q. I want to call your attention to some testimony that was given by Mr. Raybell before the sub-committee at Topeka. It is but just to you to state that you were not named by Mr. Raybell, but he detailed a conversation between himself and a person whom he undertook to describe, but whose name he did not know. For the purposes of my question, I desire to read a small portion of his testimony to you.—A. I will say for your benefit, judge, that I have read that testimony very carefully.

Q. I read from page 84, beginning about eight or ten lines from the bottom:

Q. Had you any conversation with any other person upon the night of the same day at the Tefft House?—A. I had.

Q. Where did such conversation take place?—A. It took place in the Tefft House, on the second floor, I think.

Q. In a room or in a hallway?—A. In a room adjacent to a hall.

Q. Can you tell the number of the room?—A. I cannot.

Q. Locate it, then. Were Mr. Ingalls's rooms on the same floor?—A. No, sir; Mr. Ingalls's rooms were on the floor below this floor.

Q. Then it was the third floor?—A. Mr. Ingalls's rooms, I believe, were on the first floor.

Q. You mean the first floor above the office?—A. Yes, sir.

Q. Calling the office-floor one floor, Mr. Ingalls's rooms were on the second floor, and this room was on the third floor?—A. Yes, sir.

Q. Then locate the room, calling it the third floor?—A. The room was in the north-east part of the Tefft House. There might have been a room or two or perhaps three west, and there might have been a room north of it, but it was in the northeast corner of the Tefft House.

Then I put some questions about the windows.

Q. This was in the night?—A. This was in the night.

Q. What time of night?—A. I should think it was between eight and nine o'clock.

Q. Was it before or after the anti-Ingalls caucus was held?—A. It was during the time the anti-Ingalls caucus was going on.

Q. How came you to go to that room?—A. I was standing by the stove in the office. A gentleman came up and took hold of my shoulder.

Q. If he said anything, state what he said.—A. He did not say anything to me at all; he just simply smiled and made a motion for me to follow him.

Q. Did you follow him?—A. I did.

Q. Where did he go?—A. He went up on the third floor; that is, I presume it was the third floor; I will not be positive about that.

Q. Did you follow him?—A. I followed him.

Q. Where did he go?—A. He went into a room.

Q. And you followed him into the room?—A. Yes; I followed him into the room.

Q. Who was in that room when you went there, if anybody?—A. There was not anybody.

Q. Was there any light there?—A. No, sir; there was no light in the room. There was a light along the hall. There was a bracket every four or five rooms.

Q. What do you mean by a "bracket"?—A. A bracket, with a lamp in the bracket. The hall was lighted up, but the room was not.

Q. Did this man go into the room before you, or afterwards?—A. He opened the door himself.

Q. Go on and state what occurred.—A. He opened the door and went into the room. I followed him into the room.

Q. Then what?—A. He said he had a check for me. He shut the door.

Q. Go on.—A. He went into the room; he shut the door, and he stated that he had a check for me for \$250. I told him that I did not do business in that kind of way, or something to that amount. He said, "This is for electioneering and campaign purposes." I told him that was all right. Then he said, "Maybe you would sooner have the money." I told him "Certainly." Then he said, "Wait here a little bit, and I will go down." He went and was gone, perhaps, fifteen or twenty minutes. I opened the door after he left and let the light shine in the room, and looked under the bed, and there was no other person in the room excepting myself. He came back and shut the door, and then he said, "Here is \$250; you can take my word for the amount." I reached my hand out and struck his arm and dropped my arm down until it came to his hand. He dropped the money in my hand. I held the money in my hand and asked him if he wanted me to vote for Mr. Ingalls. He said he did not have any man, that we understood one another. I said, "Certainly; that's all right." He said, "You wait here a bit and I will go out, and then you can follow me." I waited, perhaps, five minutes. He went on down, and then I followed him on down into the bar-room. I staid around there a while and went up to my room.

Now, Mr. Foulkes, I ask you if you had any such interview with Mr. Raybell as he here represents that he had with some person whose name he does not give?—A. No, sir; I did not. I should like to call your attention there, if you will pardon me, to the testimony of Mr. Clogston, in regard to Raybell.

Q. Let me go on with this first?—A. Very well.

Q. Do you know Mr. Clogston?—A. I do not.

Q. Did you know the representative from Harper County?—A. That was Mr. Fisler?

Q. Yes, Fisler.—A. I did not know him until after the Senatorial election, or after the investigation, when he was pointed out to me one day.

Q. Did you have any conversation with him before the final vote was given for Senator?—A. With Mr. Fisler? No, sir. I do not think I ever spoke to him. I have no recollection of ever speaking to him.

Q. You say you had a conversation with Mr. Raybell before the election. Did you have one shortly after the election?—A. No, sir. I have no recollection of meeting Mr. Raybell again after the election.

Q. Is it not the fact that you gave to Mr. Raybell, in room 116 or 117—and I include both in my question, though of course it could have been in only one—\$250 upon the night that the Horton caucus was in session?—A. I believe that I stated in my testimony before that I gave no man any money. I reiterate that now in regard to Mr. Raybell. I answered you in the negative.

By Senator HOAR :

Q. You answered that you gave no man any money. Did you give any man anything of value, or promise any man anything of value, directly or indirectly, in form or substance, to procure his vote or affect his vote in that Senatorial election?—A. No, sir; I did not.

By Senator BAILEY :

Q. Did you deliver any money to any one?—A. I did not, further than this: I probably spent some money around there with "the boys"—\$5 or \$10 at a time, buying cigars. I kept cigars in the room, and things of that kind.

By Mr. WEBB:

Q. Notwithstanding your positive denial or statement in regard to it, for the purpose of refreshing your recollection I want to direct your attention to another portion of Mr. Raybell's testimony, and ask if you were that person. Mr. Raybell further testified that subsequent to the election the same person who paid him the money, or one whom he believed to be the same person, called upon him, and told him he had not voted as he expected he would, and explained that he, Raybell, had in fact voted against Senator Ingalls and for Judge Horton, and the person who had paid him the money demanded that he return one-half of it; and he said that that conversation took place just across the street from the Tefft House, under a lamp-post. I ask you now whether you were present at any interview with Mr. Raybell at that time and place or at any time at that place?—A. I certainly was not.

Q. You are acquainted with Mr. J. S. Danford, a neighbor of yours, are you not—a banker in your city?—A. I am.

Q. He is a personal friend of yours?—A. Well, yes, I should say he was.

Q. Let me ask you if you remember being in my office in the city of Topeka, in company with Mr. J. S. Danford and Mr. J. V. Admire, about the last days of October or the first days of November last?—A. Yes, sir.

Q. Do you remember whether there was anything said in that room at that time by any of the parties, yourself, Mr. Danford, Mr. Admire, or myself, in regard to Mr. Raybell's testimony given by him before the sub-committee?—A. I think it came up in some kind of a joking manner. Danford probably mentioned it.

Q. You are right about that; Danford did mention it. Do you remember what Mr. Danford said in your presence there at that time about Mr. Raybell's testimony?—A. I do not. I know something was said, but what the conversation was exactly I cannot state.

Q. Do you remember whether or not in that conversation at that time Mr. Danford said or indicated or intimated that you were the unknown person to whom Mr. Raybell had referred in his testimony?

Mr. EVEREST. I submit whether that sort of examination is correct or

not. What Mr. Danford may have said in Mr. Webb's office, or what Mr. Admire may have said, can have no bearing on the issue here. I only want to save the time of the committee.

Senator BAILEY. Testimony of a similar character was excluded the other day.

Mr. EVEREST. If counsel say they expect to prove any admission of this witness by which they can contradict him, I have not a word to say about it, although he is their witness. We are perfectly willing that the fullest latitude should be given.

Mr. WEBB. I supposed the question, if it had any effect, would refresh the witness's recollection, and for that purpose I think it competent.

Senator HOAR. Whether this man committed an infamous act cannot be a matter of refreshing his recollection. He knows the fact if it existed. It cannot be a question of memory.

The question was excluded.

By the CHAIRMAN :

Q. Do you say, Mr. Witness, that you did not, directly or indirectly, give or offer any money to any member of the legislature for the purpose of influencing his vote in the Senatorial election ?—A. I say positively this, that I probably have treated members of the legislature. The average Kansan out there will smoke, and sometimes he will drink, and we consider that perfectly legitimate ; but outside of that I say, as to a direct bribe or anything of that kind, I never tendered or gave to any member of the Kansas legislature one single dollar, or promised him any office of any description whatever to influence him.

By Mr. WEBB :

Q. You have said that you did know Mr. Fisher ?—A. No, sir ; I said that I did not know him until after the investigation at Topeka.

By Mr. EVEREST :

Q. Do you mean the legislative investigation ?—A. The investigation by the house of representatives of the Kansas legislature.

By Mr. WEBB :

Q. You now know the man ?—A. Well, I should know him if I saw him. He was pointed out to me once.

Q. With the person you now know to be Mr. Fisher, whether you were at that time acquainted with him by name or locality or not, did you have any conversation previous to the Senatorial election ?—A. No, sir ; I did not.

Q. Have you read his testimony as given in this record ?—A. Yes, sir ; I have read it.

Q. That portion of it where he says that he went up into a room there, and a check was offered to him ? Have you read that portion of his testimony ?—A. I think I have read all the testimony.

Q. You did not name Mr. Henderson, of Leavenworth, as one whom you talked with. I ask you if you talked with him ?—A. I may have talked with Mr. Henderson ; I presume I did.

Q. You did not name Mr. White, of Republic. Did you talk with him ?—A. I do not think I know Mr. White.

Q. There were two members from Leavenworth County by the name of Gable. Did you talk with either of those gentlemen ?—A. I think it likely I did.

Q. Did you read the testimony given by Mr. White as well as that given by Mr. Raybell and Mr. Fisher ?—A. Yes ; I think I sketched Mr. White's testimony.

Q. Did you read the testimony given by Mr. Clogston?—A. Yes, sir.

Q. And after reading all that testimony you make the answer which you have made to the chairman of the committee, that you did not give, offer, tender, promise, in any manner pay or deliver any consideration whatever to any member for his vote?—A. With the proviso I made.

Q. Of course, I understand that. You said your name was Charles M. Foulkes. What is your middle name?—A. Morgan.

Q. I have here a paper purporting to be a dispatch, which for information I will read to you :

“TOPEKA, February 6, 1879.

“To J. S. DANFORD, *Osage City* :

“An investigation has just been ordered.

“MORGAN.”

I show it to you. [Handing paper to witness.]—A. Yes, sir; I wrote that.

Q. That is your handwriting?—A. Yes, sir.

Q. The date of this dispatch is the 6th of February. You were then at Topeka. What were you doing there at that time?—A. I cannot say, indeed. I go to Topeka every week, or quite often, when I am in business in Kansas.

Q. You said in this dispatch that “an investigation has just been ordered”; what investigation did you refer to?—A. I referred to the investigation of Mr. Ingalls's election, I presume. That was the topic of conversation all over that country at that time.

Q. Ordered by what body?—A. I presume it was ordered by the Kansas legislature.

Q. The house of representatives?—A. Yes, sir.

Q. Was that matter of itself of sufficient importance, independent of all personal considerations of your own, to induce you to send a dispatch to Mr. Danford at Osage City?—A. I presume that induced me to send the dispatch or I should not have sent it. We were all there supporting Mr. Ingalls.

Q. Whom do you mean by “we”? State them.—A. I mean I was there and some of my friends.

Q. Name your friends.—A. I had Mr. Gardner, of El Dorado, over there; Mr. Frazier, of El Dorado—

Q. Name your Osage City friends.—A. Mr. Conklin, of Osage City, was there a while, and there were one or two others.

Q. Name the others.—A. There were quite a number of Osage City people up there; but just to tell who they were all along I cannot tell off-hand. Mr. Conklin I remember particularly. Robert Morris, I think, was there a while, and, possibly, a young man by the name of Denman.

Q. My question was with reference to those who were supporting Ingalls. Who of your Osage City friends were there with you supporting Ingalls before the election?—A. I presume Admire was supporting him; I do not know how zealously.

Q. Who else?—A. Mr. Danford; Mr. Conklin.

Q. Six days after the election you sent a dispatch to Mr. Danford advising him that an investigation into the election had been ordered?—A. Yes, sir; I presume I did about that date. I must have sent it, of course.

Q. Were you generally known by your name of Mr. Foulkes or Charles M. Foulkes or Charles Foulkes to the members of the legislature at

Topeka during the Senatorial contest of 1879?—A. I was, to those members that I talked to and became acquainted with, as a matter of course. I am quite well known in the southern and southwestern part of the State, more particularly there than anywhere else.

Q. Is it not the fact that a great many persons addressed you as "Danford" or "Mr. Danford"?—A. No, sir; I do not think it possible that they could make that kind of mistake.

Q. Is it the fact that other persons addressed Mr. Danford in your hearing as "Foulkes" or "Mr. Foulkes"?—A. I never heard it to my knowledge.

Q. How came you to come to my office at the time referred to a while ago?—A. I was with Mr. Admire and Mr. Danford, and we went up into the Commonwealth office to see "the great newspaper man," as we called Baker. One said, "Let's go up to Baker and get a paper." Then Admire or Danford—I do not know which—made the remark, "Judge Webb has an office on this floor, and let's call in."

Q. Had you ever seen me to speak with me or know me prior to that day?—A. I think not.

No cross-examination.

FREDRICK S. STUMBAUGH, a witness called by the memorialists, affirmed and examined.

By Mr. WEBB:

Question. State whether you were a member of the house of representatives of the legislature of Kansas at the session of 1879.—Answer. I was.

Q. State what were your politics then.—A. Republican.

Q. Do you know as a matter of fact about a Republican caucus being held at which ballots were given for the respective candidates for United States Senator?—A. I do.

Q. How many sessions of the caucus were held at which ballots were taken?—A. Two.

Q. Can you give the dates?—A. Monday night, the 27th of January, and Tuesday night, the 28th of January, 1879.

Q. Did you attend both those sessions?—A. I did.

Q. We have already proven by Mr. Faulkner the ballots on Monday night, but omitted proving those on the second night. Are you able to state the number of ballots that were taken upon Tuesday night, the second night the caucus was in session?—A. There were six ballots taken that night.

Q. How many were taken on Monday night?—A. Three.

Q. Making nine in all?—A. Yes, sir.

Q. State, if you can, the number of votes given for Senator Ingalls and each other candidate on Tuesday night in the Republican caucus proper?—A. I can give you the votes of the first four ballots that were taken down by Dr. Hodge, sitting by my side in the caucus at that time, but as to the other two I have lost the memorandum I had, but I obtained the data from the Commonwealth, a paper published in Topeka. That is all I can do.

By Mr. EVEREST:

Q. Then it is not a fact that you know?—A. I know the fact to be that these figures are correct.

By Mr. WEBB:

Q. You say the result of the first four ballots was written down then

by Dr. Hodge in your presence while the caucus was in session?—
A. Yes, sir.

Q. Give the vote on each of those ballots.—A. The first ballot was: Anthony, 26; Ingalls, 52; Simpson, 14; Phillips, 11; Pomeroy, 2; in all, 105 votes.

Q. Now give the votes cast in the second ballot.—A. Anthony, 26; Ingalls, 51; Simpson, 15; Phillips, 11; Pomeroy, 2; Horton, 4; Campbell, 4; Humphrey, 4—116 votes.

Q. Now give the votes cast on the third ballot.—A. Third ballot: Anthony 27; Ingalls, 53; Simpson, 15; Phillips, 11; Pomeroy, 2; Horton, 3; Campbell, 4; Humphrey, 2—117 votes.

Q. Now give the votes cast upon the fourth ballot.—A. Anthony, 25; Ingalls, 51; Simpson, 17; Phillips, 10; Horton, 4; Campbell, 4; Pomeroy, 2; Brown, 3—116 votes.

Q. What did you say as to the fifth and sixth ballots?—A. I had the memoranda, but lost them in some way, and I got the figures from the Commonwealth. I had compared my memoranda with the Commonwealth before, and found it correct.

Q. Let me ask you whom the Topeka Commonwealth was supporting for the Senate?—A. It always supported Senator Ingalls; at least that is my understanding.

Q. Now I wish you would give the fifth vote cast for Senator on Tuesday night.—A. Ingalls, 50; Anthony, 23; Simpson, 16; Phillips, 10; Horton, 4; Pomeroy, 2; in all, 105 votes.

Q. Now give the votes cast on the sixth ballot.—A. On the sixth ballot, Ingalls, 52; Anthony, 23; Simpson, 21; Phillips, 10; Horton, 3; Pomeroy, 2; in all, 111 votes.

Q. Were you present that night, Tuesday night, until the caucus adjourned?—A. I was.

Q. Who was chairman of that caucus?—A. John M. Price.

Q. A representative from Atchison County?—A. Yes, sir.

Q. State whether that caucus adjourned *sine die*, or whether it adjourned to a day certain, or how it did adjourn on Tuesday night?—A. It adjourned to meet at the call of the chairman.

Q. Did it ever convene again to your knowledge?—A. Not to my knowledge.

Cross-examined by Mr. EVEREST:

Q. Whom did you vote for?—A. I voted for Anthony first, and I think I voted twice for Pomeroy. It was a secret ballot, so I am not very positive.

Q. For whom did you vote in the joint convention on the final ballot for Senator?—A. Judge Horton.

Q. On the ballots prior to that did you at any time vote for Mr. Ingalls?—A. No, sir; I did not.

Q. For whom did you vote in the joint convention?—A. If my recollection serves me aright, I voted Wednesday and Thursday for Samuel C. Pomeroy, and on Tuesday I voted in the house for Samuel C. Pomeroy.

The committee adjourned until to-morrow.

JANUARY 28, 1880.

The committee met pursuant to adjournment.

Present, the Chairman, and Senators Hill, Bailey, Hoar, and Logan;

also, Messrs. Stumbaugh, Webb, and Riggs, of counsel for the memorialists, and Messrs. Everest and Merritt, of counsel for the respondent.

AMMI A. THOMAS, a witness called by the memorialists, sworn and examined.

By Mr. WEBB:

Question. State where you reside?—Answer. I reside in the city of Washington.

Q. Were you ever a resident of Kansas?—A. I resided in Kansas from October, 1870, to about the middle of December, 1876.

Q. During your residence in Kansas, state whether you had anything to do with the politics of that State?—A. Yes, sir; I had quite considerable to do with politics.

Q. What was your acquaintance with the public men of the State—general or limited?—A. It was very general.

Q. State whether you were at Topeka during the Senatorial election of January, 1877, when Senator Plumb was elected?—A. I was.

Q. Did you stay there during the whole of that contest?—A. Yes, sir.

Q. State whether at that time you were acquainted with Mr. J. S. Danford?—A. I became acquainted with J. S. Danford at that time.

Q. What were your relations with him during that struggle or contest for Senator?—A. They were very friendly. We were working together for the same object.

Q. Then you yourself took part in that Senatorial contest, did you?—A. Yes, sir.

Q. Were you at that time acquainted with Major B. F. Simpson?—A. Yes, sir; I had known him before that time.

Q. State whether you were at Topeka during the month of January, 1879, while the Senatorial contest was going on in the legislature of Kansas?—A. I was in Topeka in January, 1879; arrived there about the 20th or 21st, and remained there until two o'clock of the first day of February.

Q. That was after the election?—A. After the election.

Q. Did you meet Mr. Danford there in January, 1879?—A. I met Mr. Danford the morning after I arrived in Topeka.

Q. Do you know of your own personal knowledge whether he remained there during the Senatorial contest?—A. He was there all the time that I was there.

Q. What were your relations with Mr. Danford at Topeka in January, 1879?—A. The same as they were in 1877—very friendly.

Q. Intimate? Had you frequent talks with him?—A. I saw him every day, and a number of times each day while I was there.

Q. What hotel did you stop at?—A. I stopped at the Tefft House.

Q. What rooms did you occupy in the Tefft House, and on what floor?—A. The second floor above the office, directly above the office. I do not know the number, but it was off from the rooms that were known as Mrs. McMeekin's.

Q. I will show you a diagram of that floor of the hotel, and ask you to designate the rooms from that. (Exhibiting the diagram heretofore offered in evidence.) This is a diagram of the third floor of the Tefft House, on which the rooms are numbered. I wish you to state by number what room you occupied, if you can.—A. (Examining.) I occupied the bed-room 115.

Q. Who occupied room 119?—A. 119 and 121 were rooms that were occupied by S. C. Pomeroy.

Q. State whether the bed-room you occupied was entered from room 119?—A. It was. The door leading out into the hall was barred up.

Q. State who occupied room 120, which is across the hall and north from room 119?—A. I always saw J. S. Danford there and quite a number of other parties.

Q. Name the other parties you saw in room 120 frequently?—A. Mr. Foulkes.

Q. Charles M. Foulkes, the witness who was examined here yesterday?—A. C. M. Foulkes. Mr. Hood.

Q. Calvin Hood?—A. Calvin Hood, of Emporia. They were there most of the time when I was there.

Q. Do you know who occupied the room next west from 120, which is room 118?—A. That was occupied by Charles Miller, of Leavenworth.

Q. He was a member of the house of representatives?—A. Yes, sir.

Q. State, if you know, who occupied at any time rooms 116 and 117, or either of them?—A. I do not know who occupied them.

Q. Do you know what rooms were occupied by Senator Ingalls during that contest?—A. I cannot give the numbers of the rooms, but the private room of Mr. Ingalls was directly under 121, off from the parlor.

Q. Do you know whether Mr. Ingalls occupied more than one room?—A. There was a reception room in front and his private room was back. His rooms were in the northeast corner of the second story.

Q. Was there a hall in front of his reception room?—A. Yes, sir.

Q. What was the direction of the hall, north and south or east and west?—A. North and south.

Q. State whether his reception room was entered from that hall?—A. It was entered from the hall.

Q. Then the door of the reception room was on the west side of the room?—A. On the west side.

Q. Do you know who occupied the room right across from his reception room, on the west side of that hall?—A. I do not know who occupied it.

Q. State whether you saw any person or persons frequently there?—A. It was generally understood as being the room in which Mr. Ingalls's friends were gathered. I saw them there quite frequently.

Q. What friends of Mr. Ingalls did you see in that room?—A. I should state that all those I saw—

Q. If you saw his prominent friends, those you knew to be such, active friends working for his interest, in that room, name them.—A. I saw Joseph Wilson, George R. Peck, James S. Merritt, Charley Brown.

Q. State whether you had any conversation with Mr. Danford in relation to the Senatorial contest during the time you were there.—A. I had, quite frequently.

Q. How soon after your arrival there was your first talk with Mr. Danford on that subject?—A. The morning after I arrived when I met him.

Q. State what that conversation between yourself and Mr. Danford was relating to the Senatorial election.

Mr. EVEREST. Mr. Danford was on the stand in Kansas, before the sub-committee, and my recollection is that there was no question asked of him in regard to a conversation with this witness. He has been here and gone home; and to allow such a question now is placing the respondent in a position where he is not able to refute anything this witness may say.

Mr. WEBB. Mr. Chairman, Mr. Danford was placed on the stand, at Topeka, as a witness for the respondent. He testified there that he was at Topeka not in the interest of Mr. Ingalls, and that he did not become a friend and supporter of Mr. Ingalls until a very short period before the final vote was taken in joint convention. We desire, by this witness, to show what Mr. Danford himself declared with respect to his position toward Mr. Ingalls, or toward other candidates, to show when he did change; and such facts as are within the knowledge of this witness, when taken in connection with the testimony already in the records, we think shows that corrupt means were being used there by Mr. Ingalls's friends, including Mr. Danford, to secure his election. In order to do that we want to show what Mr. Danford declared his position to be from the time this witness met him, and especially with a view to the use of money on a subsequent day than that to which I now direct his attention. We do not seek to impeach Mr. Danford on the ground of direct conversation, for we did not direct his attention to whether he had or had not conversation with this witness; but Mr. Danford testified himself in regard to his acts and doings, his connection with the Senatorial election. We wish to show his personal declarations in connection with his acts.

The CHAIRMAN. If you desire to show that Mr. Danford was at the early part of that contest, at a time anterior to that at which he states he became the friend of Mr. Ingalls, engaged in his support, you can ask the direct question of the witness whether he knows what the position on the Senatorial question was of Mr. Danford at a particular time. If the witness answers that he does know, you can ask him then what that position was, and if you see proper you can follow that by testing the knowledge which he has, by inquiring as to how he derived that information. But when you begin originally to ask a question as to what Mr. Danford said before you ask him whether he knows anything about it, you are merely inquiring as to the hearsay of a person who is not a party to this case.

Mr. WEBB. I will ask the witness to answer this question. (To the witness.) Do you know what Mr. Danford's position was with respect to Mr. Ingalls; whether favorable or unfavorable to his election at the time of your first interview?—A. He expressed himself very unfavorable to Mr. Ingalls.

By Mr. WEBB:

Q. State whether subsequently he expressed any other or different opinion, and, if so, when he did.—A. The first material change that I noticed in his expression was on the morning of the election, the 31st of January, between 8 and 9 o'clock.

Q. State whether that was after the anti-Ingalls caucus, as it was called, had nominated Judge Horton and combined upon him.—A. It was after that.

Q. What time in the morning after that nomination was it that you knew of this change in the position of Mr. Danford?—A. Between 8 and 9 o'clock in the morning.

Q. Where was Mr. Danford at that time? Where did you see him, if you did see him?—A. I saw him in room 120.

Q. Were you there yourself?—A. I was there myself.

Q. Who else was there at that time?—A. Mr. Hood was in the room at the time I first went in.

Q. Any one else?—A. Not at that time.

Q. Now state what was said by Mr. Danford in regard to his then

present position towards Mr. Ingalls and towards the election, and the effect of what he was doing or should do.

Q. He seemed to have an expression, to me, somewhat of hesitancy as regards his position, but I noticed that he was more favorably inclined to Mr. Ingalls than he had been before.

Q. State the conversation; state what he said at that time.

Senator LOGAN. I want to understand this, Mr. Chairman. This evidence must either be to impeach or sustain Mr. Danford, or else to prove conspiracy or agency. Mr. Danford testified that he was in favor of Mr. Simpson, and after Mr. Simpson retired then he preferred Mr. Ingalls. If this is for the purpose of sustaining that, I see no necessity for it. If it for the purpose of impeaching it, before the witness gives the conversation with Mr. Danford I insist that there should have been some foundation laid for it in the examination of Mr. Danford, on which some knowledge by Mr. Ingalls, unless they prove an after-ratification of Danford's acts.

Senator HILL. Mr. Witness, you have stated what you understand to be a change in the position of Mr. Danford. Now, did Mr. Danford, at the time of the change of his own opinion and action in relation to this Senatorial election, give you the reasons for that change? I think declarations in explanation of the change of purpose made at the time may be given in evidence for what they are worth. They may be true or they may be untrue, but as explanatory of his own acts they may be received. Did he give you the reasons for his change of mind.

The WITNESS. I can give you the whole conversation.

Q. (By Senator HILL.) State whether the conversation was to explain by Mr. Danford the reason why he changed his mind. Was that the point of the conversation?—A. I can hardly say what the object of it was, but it was a statement made to me as to what might be the position of Mr. Danford.

Senator HILL. Now, Mr. Witness, go on and testify to any acts showing the use of money that you know, leaving out declarations at first.

The CHAIRMAN. Mr. Webb, please propound the questions to the witness.

Q. (By Mr. WEBB.) For the purpose of fixing the time, I ask you to state again when you saw Mr. Danford in the morning.—A. The first time that I saw him was immediately after the Horton caucus; it was after 4 o'clock in the morning.

Q. Did you see him subsequently?—A. I saw him next, I should think, about 9 o'clock, and several times during the forenoon.

Q. What was the time of day you had the last conversation with him?—A. About ten o'clock.

Q. State now where you were from that time on until 12 o'clock or nearly 12 o'clock.—A. From that time the Tefft House was nearly vacant; parties were going up to the capitol, but I was in the hall in front of rooms 120 and 119.

Q. How long did you remain there; until 12 o'clock?—A. An hour and a half; until about fifteen minutes to 12.

Q. During that time, did you see persons go into Mr. Danford's room, 120; and name any persons that you knew as members of the legislature, or knew by name as members of the legislature, that you saw go in?—A. I saw the two members from Osage.

Q. Mr. Danhaur and Mr. Bower?—A. Mr. Danhaur and Mr. Bower.

Q. Going into room 120?—A. Going into room 120. I saw Senator Metaker come to the top of the stairs and cross the hall to the door of 120; but he did not go in.

Q. Who came up there with him, if any one?—A. Mr. Merritt was talking with Mr. Metsker quite a time on the stairs, by the rail. I was just at the top of the stairs.

Q. State who else you saw going into room 120.—A. I saw one or two others that I recognized as members of the legislature. I did not know their names; but I recognized them as having seen them frequently around.

Q. Can you describe them?—A. No.

Q. Can you describe the clothes of either of them?—A. I cannot describe the clothing of any of them, except that I noticed one man in gray clothes—speckled gray. That is the only man I distinctly remember the clothing of as distinguished from other persons.

Q. Do you know Mr. White, of Republic County?—A. I do not.

Q. You do not know him by sight?—A. No, sir.

Q. While you were there, did you see any persons go into room 116 or 117, on the same floor?—A. I saw quite a number of persons going into 117.

Q. Members of the legislature?—A. Yes, sir; I recognized them as members of the legislature. I had seen them frequently in Mr. Danford's room, and even in Mr. Pomeroy's room.

Q. State whether you saw the same persons go in and out of Mr. Danford's room more than once while you were there?—A. I saw the members from Osage go into and come out of Mr. Danford's room a number of times.

Q. State whether any person that you know accompanied persons to room 117?—A. I saw men go in together.

Q. Do you know Mr. Foulkes?—A. I do.

Q. Did you see him there that morning?—A. I saw him in 120.

Q. Anywhere else?—A. I saw him around the head of the stairs and in this little short hall here [indicating].

Q. The short hall leading from the main hall into what rooms?—A. From that short hall near the stairs there is an entrance into 114, as shown by this plat.

Q. In the short hall?—A. The short hall I speak of, I say I saw him there quite frequently, and I saw him at the end of the hall running off by 116 and 117.

Q. Do you say you saw him in there?—A. Yes, sir.

Q. State where you saw Mr. Foulkes with respect to rooms 117 and 116?—A. I saw Mr. Foulkes go into 117, I should say about eleven o'clock.

Q. You say Mr. Foulkes was in there. Did you see him come out of 117?—A. Not while I was there.

Q. And you say you were there an hour and a half?—A. About an hour and a half.

Q. While you were there in the hall, state whether you saw any persons go into room 117 after Mr. Foulkes went in?—A. Yes, sir; I saw quite a number.

Q. Do you know who they were by name, designation, or description?—A. I do not.

Q. Were they members of the legislature?—A. I recognized them as members of the legislature.

Q. State whether they went there alone or whether some person went there with them?—A. I saw no one go in there with them; frequently, I saw Mr. Wilson go partly up the stairs or nearly to the head of the stairs and then go down.

Q. Coming up in company with persons who went into the room ?—A. Coming up with persons who immediately went into that room.

Q. What Wilson was that ?—A. Joseph C. Wilson, of Topeka.

Q. Now state whether you saw the same persons go into either of the rooms, 117 or 120, more than once ?—A. I saw them go in a number of times. My attention was particularly called to it from the fact that I noticed that they went in with their overcoats on and came out with their overcoats off, and went in after them a second time before they went up to the capitol.

Q. And when they went out the last time, had they their overcoats with them ?—A. They had them on.

Q. What number of persons do you remember seeing go in there first with their overcoats on, and then come out leaving their overcoats in the room, and then return to get their overcoats, and leave with the overcoats on ?—A. I would not be positive.

Q. What is your best judgment as to the number ?—A. My best judgment would be 8 or 9 or from that to 12.

Q. State whether that was true in respect to both rooms or one only, and if one only, which room ?—A. There were a number of persons going into 120. I saw the immediate friends of Mr. Ingalls go into 120 more than I saw them go into the other rooms. Quite a number of the immediate friends of Mr. Ingalls were passing back and forth into and out of 120 while I was on this hall.

Q. Do you know Senator Savage by sight ?—A. I do not.

Q. Do you know Mr. Greever, a representative ?—A. Yes, sir.

Q. State whether you saw him go in there ?—A. No, sir ; not while I was there.

Q. Did you see Mr. James, of Wyandotte, go in there ?—A. I did not see Mr. James above the second floor.

Q. Mr. Donahue, of Atchison ?—A. No, sir.

Q. Mr. Blackman, of Leavenworth ?—A. I saw Mr. Blackman at the head of the stairs.

Q. Mr. Rood, of Montgomery ?—A. I was not acquainted with Mr. Rood, of Montgomery.

Q. Mr. Richards, of Douglas ?—A. No, sir.

Q. Mr. Myers, of Riley ?—A. I saw Mr. Myers, of Riley, there quite frequently.

Q. Did you on the last morning of the conversation with Danford ?—A. I saw him go into that room ; he was there once or twice—twice I think.

Q. Hamilton, of Marshall ?—A. No, sir.

Q. Ballard, of Washington ?

The CHAIRMAN. I think you had better submit the question as to who they were, without suggesting names. It takes a great time to go over the whole list of the legislature.

Mr. WEBB. I did ask him to name all he could recollect, and he said he saw several that he recognized as members, but he could not recall their names.

The WITNESS. I would say that I met all the members of the legislature at different times while I was at Topeka, and would recognize them by features, but there were a very few that I knew the names of or can recall the names of, at this time.

Q. (By Mr. WEBB.) Do you know Mr. Clarke, of Montgomery ?—A. I do not.

Q. Do you know him by sight ?—A. I have seen Mr. Clarke. I am not acquainted with him.

Q. Do you know him well enough to describe him—to make a comparison between his personal appearance and yours, whether he corresponds in size and build, with yourself?—A. He is about the same size.

Q. How did he wear his beard last winter?—A. I cannot testify whether he had a moustache simply, or a moustache and goatee. He is about my height, and perhaps about my build, and has a light complexion.

Q. During the hour and a half you were in that hall, state whether you were walking back and forth, or remained stationary in one place.—

A. I was walking back and forth; there was at that time a small conservatory, some two feet deep, at the end of the hall. I was walking from about in front of room 122, occupied by Mr. Murdock, down to the end of the hall [indicating].

Q. And by room 117?—A. Yes, sir; from the point I indicated to the head of the stairs.

Mr. WEBB. Mr. Chairman, now I propose to ask as to the conversation he had with Mr. Danford just about ten o'clock that morning.

Senator HILL. I want to ask a question for my own satisfaction. (To the witness.) Did you see any money used on that occasion?—A. I did not.

Q. (By Senator HILL.) Do you know whether any money was used or not?—A. To my own knowledge, no, sir.

Q. You saw nobody pay any one any money?—A. Not during the Senatorial canvass. There were a great many rumors, but I saw no money.

Q. Did you see any money in that room?—A. I did not.

By Senator LOGAN:

Q. Was anybody else walking there during that time except yourself?

—A. Yes, sir; there was a gentleman walked with me a little while: Mr. Sharp, of Council Grove.

Q. Did you see this man Clarke during the time you were there?—A. I would not be positive whether I saw him or not. I saw him up in that hall, but whether he was by that door or not I do not know.

The CHAIRMAN. Mr. Webb, what is the question you desire to propound to the witness?

Mr. WEBB. To have the witness state the conversation between himself and Mr. Danford about 10 o'clock of that morning, the 31st January, and just before he saw the parties he has named go into room 120, the conversation relating to the Senatorial election, and the means to that end.

The CHAIRMAN. Would that be anything more than a mere declaration of a third party who was not a member of the legislature, and who had no vote to cast?

Mr. WEBB. I submit the question to the consideration of the committee.

The CHAIRMAN. The chair will put the question of its admission.

Senator HILL. I cannot see that the question is admissible.

Senator LOGAN. I am clearly of opinion that it is inadmissible.

Senator HOAR. I say no.

Senator BAILEY. I think, in view of the testimony of White, the question is admissible. I vote "aye."

The CHAIRMAN. The question is overruled.

By Senator HILL:

Q. Did you say you saw White go in there?—A. I said I did not know Mr. White.

By Mr. WEBB:

Q. Mr. Thomas, I call your attention to some testimony given by Mr. Charles S. Aldrich, which appears on page 411. He says, in answer to a question asked by Mr. Everest, counsel for the respondent:

Colonel Ballinger was here, as he expressed to me, in opposition to the election of Senator Ingalls. He was working with myself, ex-Senator Pomeroy, Captain A. A. Thomas and others, to that end. I had frequent conferences with Colonel Ballinger, knowing him quite well; met him sometimes half a dozen times a day when he was here. There was a day or two that he was gone during the fight; but when he was here I had frequent conferences with him, and he was very earnest in his endeavors to defeat Senator Ingalls and expressed a willingness in conjunction with S. C. Pomeroy, Captain Thomas, and others, to use any and all means for that purpose.

I wish you to state whether you are acquainted with Mr. Charles S. Aldrich.—A. I am.

Q. How long have you known him?—A. I have known Mr. Aldrich since the fall of 1873.

Q. Did you see him at Topeka during the Senatorial contest?—A. He was there, I think, all the time.

Q. In respect to the statement he made here, in which your name appears, were there any such conferences between yourself and him, or between yourself and Mr. Pomeroy, Ballinger and yourself, or any of them? and state what there was.—A. I never was absolutely certain what Charley Aldrich was there for. As for Mr. Ballinger, I am not acquainted with him.

Q. Did you know him that winter at all?—A. No, sir; I do not think I ever met the gentleman.

Q. State whether there were any conferences between yourself and Mr. Aldrich, ex-Senator Pomeroy, and Mr. Ballinger, in respect to the means to be used to beat Senator Ingalls, or any in which he was present where the means to that end were discussed.—A. He might have been present in the room; he was around the room a good deal of the time. There were conversations in reference to the election.

Q. On page 413 Mr. Aldrich further testifies:

Captain Thomas told me, between four and five o'clock in the morning, after they had agreed on Judge Horton in the anti-Ingalls caucus, if I saw any parties that I thought could be influenced with money, to send them either to him or to Mr. Purcell; that the old man had furnished Mr. Horton with all the money he wanted; that the other side was buying votes, and, "God damn them, we are going to oversize their pile."

Did you make that statement or any like statement to Mr. Aldrich at the time designated by him, or at any time?—A. No, sir; I never made any statement of that kind to Mr. Aldrich or any one else. Mr. Purcell I was not acquainted with, and I did not become acquainted with him until I met him here in Washington within the last two or three weeks.

Q. The previous testimony shows that by "the old man" he meant ex-Senator Pomeroy. I ask you if you made any statement to him that Mr. Pomeroy had furnished any money to Mr. Horton or for Mr. Horton's election?—A. Never at all.

Q. I call your attention to another statement in Mr. Aldrich's testimony. On page 413 he is asked this question:

Q. In any of these conversations, was the name of any particular member of the legislature mentioned? If so, state it.

And his answer is:

A. None but Mr. Martin, of Kingman, that I recollect of now. Yes; I recollect now the day of the final vote, as the members were going up to the State-house to meet in joint convention, Captain Thomas came to me and asked me if I knew how the member from my county was going to vote.

Did you make any such inquiry of Mr. Aldrich?—A. I never had any conversation with Mr. Aldrich about Mr. Baker. Mr. Baker I was well acquainted with.

Q. Mr. Baker was the member from Smith County?—A. Yes, sir.

Q. That is the county in which Mr. Aldrich resided?—A. Yes, sir. Mr. Baker was one of the pioneer homesteaders in that part of the country.

Q. Aldrich says that he told you that he did not know for certain how Mr. Baker would vote, and then he adds:

The expression I used was, that he was one of those damn-fool Greenbackers, and I had not attempted to have any conversation with him in relation to it.

State whether that occurred.—A. No conversation of the kind occurred. As I stated a while ago, I had very little conversation with Mr. Aldrich while he was there. He was a man that I did not trust.

Q. Mr. Aldrich, on page 414, testifies further, referring to Topeka:

I was here some two or three weeks after the Senatorial contest ended—two weeks anyhow—and I talked with Captain Thomas, probably every day, in relation to the investigation. Captain Thomas upon different occasions insisted upon my going in and, as he expressed it, "Helping to work up the case." He mentioned one or two men—one in particular—that he thought could be approached with money. He said "I know he is a damned son of a bitch, and I think he will do anything for money. . . . if you will put up a job, or work it up if I give you a job, I will not only pay you for it, but pay him for it well." That man was Harry Anderson.

Now, I ask you if that conversation, or any conversation on that subject, occurred between yourself and Mr. Aldrich?—A. In the first place. I would say that I was not and am not acquainted with Mr. Anderson. I do not suppose I ever met him, and do not suppose I would recognize him. In that connection, I would also state that in the afternoon of the first day of February I left Topeka for Atchison, and Atchison for Washington at four o'clock Sunday afternoon, the second day of February and did not return to Topeka until the 17th or 18th of that month.

Q. Now you may state whether, at any time after your return to or before leaving Topeka, you had any such conversation with Mr. Aldrich as he relates.—A. Not at all. When I first came back, Mr. Aldrich came up and shook hands with me, but I had very little conversation with him at all. It was on general subjects; nothing touching the election or the investigation.

Q. I call your attention further to a question put by counsel to Mr. Aldrich, and his answer, as follows:

Q. Were you offered any sum of money or consideration by Mr. Thomas, or Pomeroy or others who were working against Mr. Ingalls, for the purpose of instituting or carrying on a proposed investigation against Senator Ingalls?—A. I was offered no specific sum. I received offers from Captain Thomas, and once in particular from Mr. Pomeroy, to take hold of the matter.

Then, passing what he said about Mr. Pomeroy, he continues:

Captain Thomas after the election proposed to me that I take hold and help work the matter up, and help follow it through, and help work up evidence against it, and he said "Money is no consideration in this thing; you can have your price for your work." He named no specific sum.

I ask you if any part of that testimony of Mr. Aldrich concerning me is true?—A. As far as he states that there was any conversation had with him, it is false. He had no conversation with me in reference to the investigation; and, as I stated, I left about 2 o'clock the day of the election and did not return until about the 17th or 18th of February, and I wish to state in this connection that no offer of money was ever made by me during that Senatorial canvass, and that I had no money of my own and none under my control that I could have used if I had

been so disposed; and any testimony by Mr. Aldrich or any others that reflects on myself as having offered money or stated that I would purchase any votes, is false. I wish to say that much in my own defense. I consider it unfair to have been taken advantage of when I was 1,500 miles away, where testimony was put in reflecting on me.

Q. Where did you reside when you lived in Kansas?—A. I resided in Cawker City. I was for about a year and a half or two years at Kirwin, after the land office was removed from Cawker City.

Q. Mr. Aldrich was asked this question by Mr. Everest:

Q. Do you know anything about the circumstances connected with his retirement from the land office?

Referring to yourself, and the answer is:

I do. I was actively engaged in the fight against him.

Q. State what it was.—A. Well, the real cause of his removal was that he had procured through false representations some property of the town company in Kirwin. He made a statement to them—they were agitating the removal of the land office from Cawker City to Kirwin, or some point west—he made a statement to the members of the town company of Kirwin that he could locate the land office where he pleased, and if they would give him a house and lot with \$800, he would put it there—locate the office at Kirwin. They did give him the property that he requested them to, and afterwards, at the time of the fight against him, they made proof of that in Washington, and that, I am told, was the direct cause of his removal.

I wish you to state if any portion of that statement is true, and state just what the facts are.—A. The facts in relation to that are simply these: It is a fact that I was removed about a month and four days before the expiration of my commission. I was removed, as thousands of others were removed during the administration of Grant, simply upon the request of the Congressman from the district. The Congressman from the district and myself had not been friends for the whole period that he had been in Congress. We had had our difficulties and differences politically all the time, and I was removed upon his request. I desire to say that immediately after I was removed I came on to Washington, within ten days after I got notice of my removal, and in company with Mr. Ingalls called upon Mr. Chandler to see if any charges had been filed. We found none. I have within the past few days examined the files of the office and find none, and also find that none were ever filed against me. The statement made by Mr. Aldrich in relation to my taking the house and lot for my influence in removing the office in Cawker City to Kerwin is simply romance; there is no truth in it whatever; but the fact is that Mr. Aldrich and myself were politically opposed at that time and he did fight me, and I suppose I did the same towards him. There was no good feeling between us the greater portion of the time that I was register of the land office at Cawker City and Kerwin.

Q. Had the unfriendly relations which had existed between yourself and Mr. Aldrich been changed, and were your relations friendly during the Senatorial contest of 1879?—A. There was simply an armed neutrality between us. There was a truce; no good feeling between us, and there never can be.

Q. State whether you at any time took him into your confidence?—A. No, sir; he never was in my confidence.

Q. I direct your attention to this question and answer, the question put by the counsel for Mr. Ingalls:

Q. I did not fully understand your statements in regard to Mr. Anderson. State again what conversation was had with reference to him with Mr. Pomeroy or Thomas.—A. The conversation was with Captain Thomas. Captain Thomas was trying to prevail upon me, and proposed to me that I go to work and get up some evidence in relation to the matter, or what purported to be evidence, and then go in "cahoots," or rather prevail on Mr. Anderson to back it up.

What is the fact in regard to that?—A. I repeat what I said before, that I never had any conversation with Mr. Aldrich in relation to the proposed investigation; that I did not know Mr. Anderson, and never saw his testimony until last March, when I saw it in the published proceedings of the Kansas legislature, and I never knew there was such a man.

Q. I direct your attention to this question and answer, appearing on page 418. The question is propounded by Mr. Ingalls's counsel to Mr. Aldrich:

Q. And Thomas said that Pomeroy had loaned Horton money, and if you knew that any one had sold out to the Ingalls side to buy him back again, because they could oversize their pile?—A. Yes, sir.

State whether you said that Pomeroy had loaned money to Horton?—A. No, sir; I never did. I had no knowledge of that kind, and I never made a statement of that kind.

Mr. WEBB. We are through with the direct examination.

Mr. EVEREST. Mr. Chairman, I think it is due to myself that the committee permit me to make some personal explanation. I do not know what the purpose of Mr. Thomas's testimony is in connection with the canvass that was made by Judge Horton. Mr. Aldrich's testimony was given, I suppose, upon his version of the truth of the transaction. I never knew Mr. Aldrich until I met him at Topeka as a witness before the sub-committee. My personal relations with Judge Horton are such that I cannot permit the record to be incumbered with that kind of testimony without some remark from myself. He is the chief justice of the supreme court of my State. He has been for a great number of years a neighbor and townsman of my own. When he went upon the bench I took a position in the law firm of which he was then a member. I wish it understood that neither by inference nor belief on my part shall the record state that I am in any manner impugning his motives, or the conduct of his canvass in that Senatorial contest.

I say this because I am a member of the bar of that State. I say it because it is justice to me to state it in the position which the evidence has assumed either in the conduct of the examination before the sub-committee at Topeka or before the committee here.

The committee took a recess till 3 o'clock p. m., and resumed its session at that hour.

AMMI A. THOMAS, a witness called by the memorialists, recalled.

Cross examined by Mr. MERBITT:

Question. You say you were at Topeka during the session of the legislature of last winter while the Senatorial contest was pending?—

Answer. I was

Q. Working and co-operating with others to secure the defeat of Senator Ingalls?—A. Yes, sir.

Q. You say you know A. B. Clarke, of Montgomery County?—A. I have met him and seen him.

Q. Describe A. B. Clarke, of Montgomery County.—A. I should think Mr. Clarke was a man as tall, perhaps, as I am, somewhat heavier. He is probably about six feet high, weighing from 175 to 185 pounds. dark hair.

Q. Is not his hair very black hair?—A. It is dark hair.

Q. Long and heavy hair?—A. Perhaps so.

Q. What sort of a beard does he wear?—A. I think that during the Senatorial contest he had a moustache. Whether he also had a goatee or not, I do not know.

Q. Was it not a heavy black moustache?—A. He had a heavy moustache.

Q. Do you know what sort of position he assumed in the legislature as a man of character?—A. I do not.

Q. Do you know from the record or otherwise that he was a leader and prominent member of the legislature?—A. I paid very little attention to the proceedings of the legislature while I was there.

Q. I want you to state definitely if you ever saw Charles M. Foulkes in room 117. Look at the plat and examine it.—A. Either in 117 or 116.

Q. You mean to say that you saw him going into one of those rooms?—A. I am positive he went into one of those rooms.

Q. You are not positive he went into room 117?—A. I can say no different than I did before; I am positive he went into one of the two.

Q. You say you saw men whom you took to be members of the legislature going into room 117 that forenoon?—A. I recognized them as members of the legislature by seeing them around the Tefft House.

Q. You are not able to state the name of any one member of the legislature who went in?—A. I saw Mr. Myers, of Riley.

Q. Mr. Myers of Riley had voted for Mr. Ingalls from the start, had he not, in the caucus and on every ballot?—A. I cannot say how Mr. Myers had voted.

Q. Do you know for whom those members that you saw go into room 117 voted—whether they voted for Mr. Horton or Mr. Ingalls?—A. Mr. Myers voted for Mr. Ingalls.

Q. What other member of the legislature that you saw go into that room, do you know, voted for Mr. Ingalls?—A. Room 116?

Q. Room 117.—A. Not that I remember now. I cannot recall the parties who went in.

Q. Who occupied room 118, immediately next to room 117?—A. Charles Miller, of Leavenworth.

Q. Who was Charles Miller, of Leavenworth?—A. He was a representative from one of the representative districts of Leavenworth City, and editor of the Leavenworth Public Press at that time.

Q. What attitude did he assume towards Mr. Ingalls and his candidacy?—A. He was against him.

Q. How much so? Was he a bitter opponent of Mr. Ingalls?—A. Do you want my judgment?

Q. I want to know what you know?—A. I should say that he was an energetic opponent of Mr. Ingalls.

Q. Who occupied room 119 immediately opposite 118 and immediately across the hall?—A. S. C. Pomeroy.

Q. And immediately opposite 120?—A. Portions of it are immediately opposite.

Q. Going up the stairs to the hall on the third floor, would it not lead directly to the door of room 118 that was occupied by Charles H. Miller, of Leavenworth?—A. I cannot answer the question exactly.

Q. (Exhibiting diagram.) This is room 118; this is the hall on the third floor (indicating). Does it not lead directly to the front of the door of 118 occupied by Miller?—A. I say 118 was directly opposite on this hall.

Q. Is it not immediately opposite this hall coming up this flight of stairs?—A. Yes; opposite the stairway.

Q. Do you not know that room 117 was occupied by a wholesale liquor drummer from Cincinnati on that day and the night before?—A. No, sir; I do not know by whom it was occupied at any time. I do not know who was in occupation of the room.

Q. You say that you saw Senator Metsker talking with me on the stairs?—A. I did.

Q. Senator Metsker had been for Mr. Ingalls, had been voting for him. Had he not?—A. I think he had up to that time.

Q. And voted for him afterwards?—A. Yes, sir.

Q. Did you hear any of the conversation between Mr. Metsker and myself?—A. Simply a portion of it.

Q. Was there anything of a corrupt or improper nature about it?—A. That would be simply an opinion.

Q. Give the conversation; let us know what it was.—A. I could hardly go over it all.

By Mr. EVEREST :

Q. While you were in the hall walking up and down, as you have been detailing in your testimony-in-chief, let me ask whether the friends of Mr. Ingalls knew of your hostility to his re election?—A. They had no reason to suppose it was changed.

Q. While you were in the hall there and apparently watching the conduct of Mr. Ingalls's canvass and the action of his friends, did they not all know of your hostility and bitterness against his election?—A. No doubt they did.

Q. They knew you as well as you knew them?—A. They knew my position perfectly well.

Q. You were just as much open to their view from where they were as they were to you?—A. I was walking up and down the hall there.

Q. And what you mean to state is that while walking up and down the hall and watching apparently the conduct of Mr. Ingalls's friends, you saw a number of them go into room 120, and you think you saw Mr. Foulkes go into room 117 or 116?—A. Yes, sir.

Q. And that is all you know with regard to what you saw in the hall at that time from the act of any party that was representing Mr. Ingalls?—A. Yes, sir.

Q. You speak of one or two gentlemen going into room 120, among others Senator Metsker, of Shawnee County?—A. No, I did not say that Mr. Metsker went into the room; I say he went to the door of 120.

Q. You did not see him go in at all?—A. No, sir.

Q. You say you saw some gentlemen from Osage County go into room 120?—A. Mr. Bower and Mr. Danhaur.

Q. I ask you to explain, so that the committee may understand how the canvass was in Kansas, if it was not a fact that several of the candidates for the United States Senate also had rooms at the Tefft House aside from Senator Ingalls?—A. I think all of them had, perhaps.

Q. Mr. Simpson had rooms there?—A. Yes, sir.

Q. Pomeroy?—A. Mr. Pomeroy could not be considered in the light of a candidate.

Q. Anthony?—A. Anthony had.

Q. You saw gentlemen frequently go in and out of their rooms who were members of the legislature?—A. Yes, sir.

Q. Was not that more frequent in those cases than what you detailed about these other rooms?—A. More frequent because they were the headquarters of those factions.

Q. You saw these same men or some of them go in and out of the

rooms of the other candidates, did you not?—A. I cannot say that I ever saw Mr. Bower and Mr. Danhaug go in the other rooms. I speak distinctly of those two.

Q. They had voted for Mr. Ingalls from the start, had they not?—A. I think they had.

Q. And continued voting for him right along?—A. They voted, I think, on the last ballot for him.

Q. They voted in the Republican caucus for him, did they not?—A. I have no knowledge of the votes cast in the caucus.

Q. Do you state that you did not know that Charles H. Miller was a bitter opponent—bitter personally towards Mr. Ingalls?—A. I stated, I think, that he was an energetic opponent of Mr. Ingalls.

Q. Do you not know that he claimed to have personal grievances of his own by reason of his removal from the office of marshal, which made him a bitter personal opponent of Mr. Ingalls?—A. I know that he was removed as marshal in the State of Kansas, but our politics in Kansas are so personal—

Mr. EVEREST. Well, if you do not choose to answer the question, I will not press it. That is all.

Re-examined by Mr. WEBB:

Q. You testified, I believe, in answer to a question put by the counsel for the respondent, that Mr. Metsker had voted for Senator Ingalls at the first ballot. The interview which took place between Senator Metsker and Mr. Merritt was upon the morning after Judge Horton was nominated, before the joint convention went into session. Now, after Judge Horton was nominated, do you know whether Senator Metsker changed his views, his allegiance, and expressed a purpose to vote for Judge Horton, or whether he was known to continue the friend of Senator Ingalls?—A. I have no personal knowledge of what views Mr. Metsker may have had.

Q. Then, in regard to rooms 116 and 117, I understood you to state in your examination-in-chief not only that you had seen Mr. Foulkes go into one of these rooms, but that you saw several persons whom you recognized as members of the legislature go in also?—A. I did.

Q. And I understood you to answer the categorical question of the counsel for the respondent so as to exclude your having seen any person go into the room except Mr. Foulkes. Now which is the fact? Did you see Mr. Foulkes alone go in or did you see others go in as well?—A. I stated that I saw others go in there, persons whom I recognized as being members of the legislature.

Q. Which room was it into which men you knew and recognized as members of the legislature went?—A. It was the room he was in, whether 116 or 117. I am not positive as to the rooms, but I know it was the same room that Mr. Foulkes was in, because I saw him come out with two other parties when they finally went up to the capitol; but I would not be positive whether it was 116 or 117.

Q. State, if you know, whether it was the fact that after Judge Horton was nominated there was a considerable change upon the part of many members who had previously voted for Mr. Ingalls.—A. I know of nothing of my own actual knowledge by talking with any senator or member of the house.

DANIEL R. ANTHONY, a witness called by the respondent, sworn and examined.

By Mr. EVEREST :

Question. State your place of residence.—Answer. Leavenworth, Kans.

Q. State what official position you hold there, if any.—A. Postmaster at Leavenworth.

Q. State what official position, if any, you held during the Senatorial contest of 1879.—A. Postmaster.

Q. Do you know George T. Anthony?—A. I do.

Q. You are personally acquainted with Senator Ingalls and Mr. Dawes?—A. I am, with both of them.

Q. State what conversation, if any, you had with Senator Ingalls regarding the post-office at Leavenworth during the Senatorial contest.—A. I do not think I had any conversation with Senator Ingalls about it until the day before the election on Thursday.

Mr. WEBB. I suggest that any conversation between this witness and Senator Ingalls in regard to the post-office at Leavenworth is not material to the issue.

Senator HILL. The counsel is perhaps at liberty to prove any fact that the witness knows about the post-office, who obtained it, and who holds it. The witness can with propriety state if he went to Mr. Ingalls and offered to resign his office, and Mr. Ingalls refused to permit the resignation of the office.

Q. (By Mr. EVEREST.) Is that a fact? You can state it in your own way?—A. On the day before the election some of the members from Leavenworth who were pressing Mr. Ingalls, came to me, and told me—

Senator HILL. Do not state what members told you. State the fact. No matter what your inducement was; did you go to Mr. Ingalls and tell him that your resignation was at his disposal, and did he accept or reject it?

A. I told him that my resignation was at his disposal, and he rejected it.

Senator HILL. I think that fact is admissible.

The WITNESS. I wish to state my reasons for going there.

Senator HILL. But you would be giving the statements of other parties not under oath.

Cross-examined by Mr. WEBB :

Q. You think your suggestion or proposition to Senator Ingalls with regard to the postmastership at Leavenworth was made the day before the final vote was taken?—A. I think it was.

Q. In the daytime, or at night?—A. I think it was made at Captain King's house.

Q. Answer my question, please. Was it in daytime, or at night?—A. My judgment is that it was in the morning of that day.

Q. The morning of the day preceding the final vote?—A. Yes, sir. It may have been the next day, Friday morning. I am not very positive about it. It was at Captain King's house, in the back parlor, in the daytime, and I think it was in the morning, before we went down.

Q. Can you not fix the time when it was? Do you know the time?—A. I cannot positively. My judgment is that it was Thursday.

Q. That would be the 30th, the day before the final vote was taken?—A. Yes, sir.

Q. That is your recollection, your best judgment now?—A. Yes, sir.

Q. Do you know on that day that Colonel A. C. Dawes was at Topeka, an earnest supporter of Senator Ingalls?—A. I think Colonel Dawes was there the whole week nearly, and a supporter of Senator Ingalls.

Q. Were you there at Topeka during the principal part of that contest?—A. I was there about one week.

Q. During all that period of time, was Colonel Dawes there?—A. He was there most of the time that I was there.

Q. State whether he was or was not an active supporter of Senator Ingalls?—A. I should say he was an active supporter of Senator Ingalls for re-election.

Q. Did you not frequently see him in Senator Ingalls's room in consultation with Senator Ingalls himself?—A. I saw him around there very often.

Q. Did you not see him and James S. Merritt, Joseph C. Wilson, George B. Peck, and others, in consultation together?—A. I saw them in the hall talking, and in Mr. Merritt's room, I should think, two or three times; but I never was with him at any time in any private consultation.

Mr. EVEREST. Mr. Chairman and gentlemen of the committee, before the evidence is formally closed I have been directed by the respondent to say that, being conscious of rectitude in all his acts, relying upon the presumption of innocence in his favor, and having full confidence in the candor and intelligence of this august tribunal, he has felt that duty to himself, to his State, and to the Senate required him to attend to his public duties and leave the conduct of this inquiry, so far as he is concerned, wholly to his counsel, refraining from personal attendance upon the sittings of the committee. His instructions to us, from the beginning to the close of this controversy, have been positive and peremptory, often against our own judgment, to interpose no objection to any testimony that might be offered, to consent to the widest latitude of inquiry, to waive all technicalities, to co-operate fully with the committee in their efforts to ascertain the truth of the allegations affecting the purity of his election. He has not attempted to shield himself behind the forms of law. He cannot afford to hold his great office by any tenure not founded on justice and truth.

One of the learned Senators, now as then a member of this committee, in another inquiry similar to this, laid down the rule that, "After all, the result of these investigations must be left to the candid opinion and conscientious judgment of each individual Senator upon the question whether the member whose seat is contested honestly represents the will and choice of the people of his State, expressed through the forms of law;" and, as said by the honorable chairman of this committee, in the case at bar, "The real issue is this: Has there been any bribery in the election? If there has been, show it; and if there has not been, let that appear."

The respondent and his counsel, I believe the committee will bear testimony, have throughout these entire proceedings been governed by this wise suggestion.

As one of the counsel for the respondent, I cannot close my personal relations with the honorable members of this committee, so far as this case is concerned, without expressing to each of the Senators our thanks for that fairness and courtesy which we have always received at their hands; and whatever the result of this important investigation may be, we shall always feel that it will be a judgment dictated by an honest purpose to do full and complete justice to all.

As counsel for Senator Ingalls, we are willing to rest the issues here. If he does not represent the people of Kansas, if it appears that he secured his election by improper methods, we need not say that the respondent would not desire to hold any position at the sacrifice of his own honor and in defiance of the will of his State. We have advised the respondent that in our judgment no evidence has been adduced against him requiring either denial or explanation; but we are instructed by him to say to the committee that if there are any points upon which they think it important or advisable that he should be examined, any matters that require elucidation, he is ready to appear and answer, under oath or otherwise, any interrogatories that may be propounded by them.

Entertaining these views, and with thanks to the committee for their indulgence in permitting this statement, I again say that Senator Ingalls is ready to submit personally to an examination by the committee in explanation of any matter about which they may wish to inquire.

The CHAIRMAN. The committee, deeming it improper to make any suggestion, decline to make any request of Mr. Ingalls in the premises. (A pause.) Is there any other matter or thing that counsel desire to bring before the committee?

Mr. RIGGS. We offer these telegrams in the order in which they are arranged here in the package.

The CHAIRMAN. That is of course understood, with leave to the other side to file any they may see proper in reply to these telegrams.

Mr. RIGGS. Of course. There are telegrams here which we do not think are pertinent.

The CHAIRMAN. Is there any other witness you wish to call?

Mr. WEBB. None except Ex-Senator Pomeroy.

Senator HOAR. Is the purpose of calling Senator Pomeroy that he may testify to facts in support of the charges against Senator Ingalls, or in rebuttal of some charge which has been made against himself or somebody else during the examination?

Mr. WEBB. The latter is the character of the testimony.

The CHAIRMAN. I suppose it is for the purpose of rebutting the testimony of Aldrich.

Mr. WEBB. Yes, sir; and other witnesses, but especially Aldrich.

The CHAIRMAN. We cannot keep the case open for such testimony.

The following are the telegraphic dispatches offered in evidence by the counsel for the memorialists:

JNO. J. INGALLS,
United States Senate, Washington:

Come here at once. Answer.

NORTH TOPEKA, Ks., Jan. 7, 1879.

J. C. WILSON.
J. S. MERRITT.
J. R. HALLOWELL.

J. C. WILSON, and others:

Indispensable arrangements not yet completed. Impossible to leave before next week. A friend will start for Topeka to-night. Answer.

J. J. INGALLS.

WASHINGTON, D. C., Jan. 11, 1879.

JOHN J. INGALLS,
United States Senate, Washington, D. C.:

To secure Franklin County Clarke must be removed immediately; promises won't do; the removal must be made or the delegation will fight. Your presence here is

absolutely indispensable; your absence is working disastrously. No one has put in an appearance yet as indicated in yours of the 11th. Answer.

J. C. WILSON.
J. R. HALLOWELL.
J. S. MERRITT.

WASHINGTON, D. C., January 13, '79.

Hon. W. D. ALEXANDER:

Your letter just received. Whatever you promise I will perform.

J. J. INGALLS.

WASHINGTON, D. C., January 25, 1879.

C. L. HUBBS,
Care Representative Willey:

Have the boys stay by Ingalls. Leave to-morrow for Topeka.

C. A. MORRIS.

WASHINGTON, D. C., January 27, 1879.

C. L. HUBBS,
Care Rep. Willey:

Telegraph fully soon as possible result of to-night's caucus, significance as to duration of struggle, and chance. Will there be time to reach Topeka and accomplish anything? Shall await reply till ten to-morrow morning. See James.

C. A. MORRIS.

WASHINGTON, D. C., January 28, '79.

J. W. MORRIS, *Teft House*:

Telegraph immediately and fully the situation and probability of protracted struggle. Will leave to-morrow. Advise with Legate fully if I should return or remain.

C. A. MORRIS.

TOPEKA, Ks., January 28, 1879.

C. A. MORRIS, *Washington, D. C.*:

Ballot to-day: Ingalls sixty votes, Anthony 26, balance scattering. Result very uncertain.

L. thinks best for you to stay in Washington. I am doing all I can for John, and think he will win. No election can be made before Friday or Saturday.

J. W. MORRIS.

HARRISBURG, PA., January 30, '79.

J. W. MORRIS, *Teft House*:

En route home. Telegraph me this afternoon at Altoona the situation.

C. A. MORRIS.

TERRE HAUTE, IND., January 31, '79.

J. W. MORRIS, *Teft*:

Telegraph me result at Saint Louis, and where I can see John to-morrow.

C. A. MORRIS.

1—28, 1879.

P. B. PLUMB,
United States Senate, Washington, D. C.:

Has my name gone in? It is so reported here. Will there be any trouble or delay?

GEO. S. BISHOP.

WASHINGTON, D. C., *January 30,*

Hon. GEO. S. BISHOP:

Name not sent in, but think there will be no trouble.

P. B. PLUMB

JAN. 27, 1879.

P. B. PLUMB,

Washington, D. C. :

We cannot mistake—either All Right, or Yes Sir, certain. Leave all to us.

DANFORD.

TOPEKA, KANS., *Jan. 28th, 1879.*Hon. P. B. PLUMB, *Washington, D. C. :*

Hood and Danford have supported Ingalls from the start, and furnish him money; Pomeroy says draw your men from Ingalls and keep your pledge.

ANDREW.

JAN. 28, 1879.

P. B. PLUMB, *Washington, D. C. :*

Ingalls explains charges to large audience; no change; caucus won't nominate.

DANFORD.

WASHINGTON, D. C., *Jan'y 30, '79.*C. HOOD, *Topeka :*

Complaint that you do not carry out understanding about All Right; hope no truth in it.

P. B. PLUMB.

WASHINGTON, D. C., *Jan'y 30, '9.*

J. S. DANFORD:

How is All Right. Hope you and Sim will work together, if possible.

P.

WASHINGTON, D. C., *January 30, '9.*

C. HOOD:

Things are not as I expected. Do you, All Right, and Sim work together?

P.

WASHINGTON, D. C., *January 30, '9.*J. S. DANFORD, *Topeka :*

See my dispatch to Hood.

PLUMB.

JANUARY 31st, 1879.

HASLAM & SMITH, *Osage City, Kansas :*

Ingalls elected. We got our work in all O. K.

DANFORD.

TOPEKA, Ks., *Feb'y 5, 1879.*C. HOOD, *Emporia, Kans. :*

Adjourned; nothing done, but likely will be soon.

DANFORD.

TOPEKA, *Feb. 6, 1879.*J. S. DANFORD, *Osage City :*

An investigation has just been ordered.

MORGAN.

TOPEKA, Ks., *2-6, 1879.*Major HOOD, *Emporia, Kans. :*

Come by first train. Important.

B. ROBERTS.

B. ROBERTS, *Cashier* :

EMPORIA, Ks., *Feb'y 6, 1879.*

Hood at Arvonnia, Heritage in Topeka ; tell Danford.

J. M. STEELE, *Cashier.*

J. S. DANFORD, *Osage City* :

TOPEKA, Ks., 2-6, 1879.

Come by first train.

B. ROBERTS.

BYRON ROBERTS :

OSAGE CITY, Ks., *February 6, '9.*

All right.

J. S. DANFORD.

J. J. INGALLS, *United States Senate, Washington, D. C. :*

TOPEKA, Ks., *Feb'y 6, 1879.*

Everything is lovely now.

MERRITT.

To J. J. INGALLS, *United States Senate, Washington, D. C. :*

TOPEKA, Ks., 2-7, 1879.

House committee : Randolph, Callen, Hall, Hartshorne, and Keller. Senate committee : Buchan, Johnson, Pyburn, Gillpatrick, and Williams. Senate passed this morning concurrent resolution to make committee a joint. Shake. Gillpatrick should return immediately.

MERRITT.

C. HOOD, *Emporia, Kans. :*

TOPEKA, 2-8, 1879.

Senate asks to join house committee investigation, which makes majority in favor of Ingalls.

DANFORD.

J. S. MERRITT :

WASHINGTON, D. C., 7, 1879.

Your dispatch is consoling. Do whatever you think best. Proceedings regarded here with derision. Advise me fully by wire.

J. J. I.

Major HOOD, *Emporia* :

TOPEKA, Ks., *Feb'y 9, 1879.*

I do think you had better come at once. Stop at 5th Ave. ; not register.

B. ROBERTS.

J. C. WILSON :

EMPORIA, Ks., 2-10, '79.

Telegraph me immediately at Osage City result in house to-day.

DANFORD.

JAS. S. MERRITT, *Wamego, Kans. :*

TOPEKA, *February 15, 1879.*

I think you ought to come down as soon as you can.

J. C. WILSON.

J. S. DANFORD, *Osage City* :

TOPEKA, Ks., *Mar. 1, 1879.*

Come on Sunday's train.

B. ROBERTS.

The counsel for the respondent offered in evidence the following telegraphic dispatches :

WASHINGTON, D. C., Jan'y 25.

Hon. J. J. INGALLS, *Topeka, Ks.* :

L. F. Eggers was removed Oct. thirty-one, eighteen seventy-seven. His resignation is on file, dated Hays City, Oct. thirtieth, eighteen seven-seven. It arrived only a few days after his removal.

C. SCHURZ, *Secretary.*

TOPEKA, Ks., Feb'y 5, 1879.

JACK DOWNING, *Hays City, Kans.* :

What about the meeting there in reference to the action of your representative on Senator? Answer care Teft House.

J. C. WILSON.

HAYS CITY, Ks., Feb'y 5, '79.

J. C. WILSON:

His effigy hangs to-day on a telegraph pole. A red-hot reception awaits him.

JACK DOWNING.

IOLA, Ks., Jan'y 31.

Hon. J. J. INGALLS:

Thank God you have beat the devil and all hisimps.

JNO. W. SCOTT.

HUTCHINSON, Ks., Jan'y 31, '9.

Senator JOHN J. INGALLS:

The news of your election a second term in the United States Senate fills our streets with rejoicing. We tender you our hearty congratulations.

G. W. HARTEY.
H. RAFF.
W. H. TREAS.
J. F. RAFF.
E. L. MEYERS.
J. R. CAMPBELL.
A. K. BURRELL.
R. M. ESTEY.
G. T. EMPY.
F. R. CHISMON.
W. T. ATKINSON.
J. W. CANAGO.
E. WILLIAM.
E. WILCOX.
C. G. COUTON.
H. W. BEATTY.

GREAT BEND, Ks, 31, '9.

Hon. JNO. J. INGALLS, *Topeka* :

On behalf of the Republicans of Great Bend we send greetings and hearty congratulations on your re-election.

A. J. HOISINGTON.
D. J. EVANS.
E. DEHAYMIN.
A. W. GRAY.
W. M. CHALFANT.

DENVER, COL., 31, '9.

Hon. J. J. INGALLS,
U. S. Senator :

I most heartily congratulate you upon your success over the enemy.

P. P. WILCOX.

Senator J. J. INGALLS,
Left House, Topeka, K. :
 Accept my congratulations.

ELLIS, Ks., 31, '9.

J. H. EDWARDS.

Hon. J. J. INGALLS :
 Accept my congratulations at your election.

IOALA, KANSAS, 31, '9.

R. B. STEVENSON.

Hon. JNO. J. INGALLS :
 I am glad.

WASHINGTON, D. C., 31, 1879.

D. C. HASKELL.

JNO. J. INGALLS :

ATCHISON, KANSAS, 31, 1879.

Finding that the legislature has carried out the wishes of the great majority of the Republicans of Kansas and the expectation of the Republican party of the nation, permit to congratulate you and them on the result of the election to-day.

JOHN G. MILLER.

Mrs. J. J. INGALLS :

WASHINGTON, D. C., Jan'y 18, '9.

I leave to-night via Chicago; expect to reach Topeka Tuesday. Write to me at Chicago, care Grand Pacific Hotel.

J. J. I.

JNO. J. INGALLS :

WICHITA, KANSAS, 31, '9.

Greeting. "Shake." Everybody here pleased.

CHARLES A. SHOUP.

Hon. J. J. INGALLS :

WHITE CLOUD, Ks., 31, '9.

We are happy. Let us congratulate you.

C. W. SHREVE.
 W. H. FORNCROOK.

7.30 p. m.

Hon. J. J. INGALLS :

Accept our hearty greeting for victory won this day.

L. C. STUBBS.

Hon. JNO. J. INGALLS :

WASH'N, D. C., 31, '9.

Let me join with my most sincere and heartiest congratulations.

JNO. R. FRENCH.

Hon. J. J. INGALLS :

ATCHISON, Ks., 31, '9.

Shout, shout the victory. Can you hear it? Thank the Atchison delegation for us and the citizens of Atchison.

D. E. MERWIN,
 ALF. H. MARTIN,
 C. H. KREBS,
 L. FRIEND,
 And others.

Hon. JNO. J. INGALLS :

WASHINGTON, D. C., Jan'y 31, '9.

The best men of all parties here are rejoiced at your success. Accept my humble congratulations.

T. C. SEARS.

WASHINGTON, D. C., 31, '9.

Hon. JOHN J. INGALLS:

Congratulations. Your election elicits expressions of gratification from Members and Senators generally, without distinction of party.

RYAN.

Col. JAS. MERRITT, *Tefft*:

Wire me at Coates House to-night; don't fail.

KANSAS CITY, January 30, 1879.

A. C. DAWES.

JNO. J. INGALLS, United States Senator,

Washington, D. C.:

In my judgment you ought to be here. Reasons forcible, but not frightening. Answer.

H. KING.

Hon. JOHN C. CARPENTER, *Leavenworth*:

Shake, old boy; we have won the day.

TOPEKA, Ks., January 31, 1879.

GEO. R. PECK.

Col. WOOD:

What are Ingalls' chances? Answer to-night at this place.

HUTCHINSON, K's., 1, 27, '9.

J. M. SPANGLER

Hon. J. F. SHEARMAN, *Columbus, Kans.:*

Ingalls elected on first ballot. Start home to-morrow.

TOPEKA, January 31, 1879.

J. R. HALLOWELL

Mrs. J. S. MERRITT, *Wamego, Kas.:*

Ingalls is elected. I will be home to-morrow.

TOPEKA, Jan'y 31, 79.

J. S. MERRITT.

Col. J. R. HALLOWELL, *Senate Chamber*:

Dispatch me vote daily as soon as taken.

COLUMBUS, K., TOPEKA, 1, 3

J. F. SHEARMAN

Col. JAS. MERRITT, *Tefft House*:

Shake the Senator for me.

LEAVENWORTH, Ks., 1, 31, '9.

JNO. C. CARPENTER.

J. S. MERRITT, *Tefft House*:

Telegraph result of to-day's ballot.

WAMEGO, Ks., Jan'y 30, '9.

W. P. CAMPBELL

1, 30, 1879.

W. P. CAMPBELL, *Wamego, Ks.:*

Ingalls, 72; Anthony, 25; Simpson, 17; Phillips, 13; Goodin, 17; Mitchell, 1; Pomeroy, 3; Horton, 2; Campbell, 1. Adjourned until to-morrow.

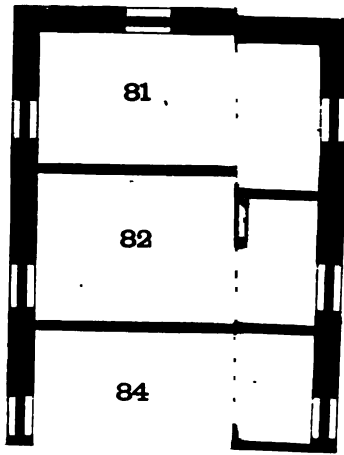
J. S. MERRITT

Hon. THOMAS RYAN, M. C., *Washington, D. C.:*

Unless there are developments in the next two or three days unfavorable to legs that I know not of he will be re-elected beyond question.

TOPEKA, Jan'y 26, 1879.

J. C. WILSON



TOPEKA, KANS., Feb. 11, 1879.

Hon. JOHN J. INGALLS,
United States Senate, Washington, D. C. :

Capt. Morris' re-appointment has been almost unanimously requested, and is expected by the people of his district. We urge early and favorable action. Please answer.

THOS. T. TAYLOR.
 JOHN E. NILLEY.
 J. G. ECKLES.
 G. L. BRINKMAN.
 R. M. WRIGHT.

SALINA, KAS., 31, '9.

Senator J. J. INGALLS:

Sincere congratulations on your election Senator.

PALME,
Editor Herald.

Jno. J. INGALLS:

Glory to God in the highest. Amen.

WICHITA, KS., 31, '9.

W. C. WOODMAN.

WASHINGTON, D. C., 31, 1879.

Hon. J. J. INGALLS:

A good day's work for Kansas. We congratulate you.

E. C. BOUDINOT.
 GEO. A. REYNOLDS.

The following is the diagram of the Tefft House, Topeka, received in evidence as will be seen by reference to page 23 of the testimony.

The testimony on both sides being closed, the committee gave the counsel leave to file briefs by Wednesday, February 4.

FEBRUARY 2, 1880.

The committee met pursuant to call.

Present, the Chairman and Senators Hill, Kernan, Bailey, Pryor, Cameron, Hear, and Logan.

Also, Messrs. Webb and Riggs, of counsel for the memorialists, and Messrs. Everest and Merritt, of counsel for the respondent.

SAMUEL C. POMEROY being present and expressing a desire to be allowed to testify as to certain matters which had been allowed to be introduced in evidence affecting himself, the committee decided to permit him to testify.

SAMUEL C. POMEROY sworn and examined.

The CHAIRMAN. Mr. Pomeroy, you can make any statement in reference to this case that you deem proper.

The WITNESS. I ask Mr. Webb to read the statement from Aldrich's testimony relative to some alleged transactions between Mr. Ballinger and myself.

Mr. WEBB. On page 411 this question was propounded to Mr. Aldrich by Mr. Everest:

Q. State what you know, using your own language, connected with the late Senatorial contest, or what acts or part Ballinger took in connection therewith. State fully as if specially interrogated.

To which he responded :

A. Colonel Ballinger was here, as he expressed to me, in opposition to the election of Senator Ingalls. He was working with myself, Ex-Senator Pomeroy, Captain A. A. Thomas, and others to that end. I had frequent conferences with Colonel Ballinger, knowing him quite well ; met him sometimes half a dozen times a day when he was here. There was a day or two that he was gone during the fight ; but when he was here I had frequent conferences with him, and he was very earnest in his endeavors to defeat Senator Ingalls, and expressed a willingness, in conjunction with S. C. Pomeroy, Captain Thomas, and others, to use any and all means for that purpose. He suggested to me at one time that I act as the go-between and do this business.

By Senator BAILEY :

Q. Who did—Pomeroy ?—A. Pomeroy ; and I put him off with some excuse. I do not remember now what it was ; told him I would see him again in relation to it. When I called around at his office later in the evening he told me he had secured the services of Colonel Ballinger.

By Mr. EVEREST :

Q. Who said that ?—A. Mr. Pomeroy told me that. After that, of course, wanting a little information in relation to it, and following up the string just for my own personal satisfaction, I had this conversation with Ballinger, and while Ballinger did not tell me the actual amount that was conveyed, he told me that after he had nipped his commission out of it, as he expressed it, Mr. Martin got \$300 for his vote.

The WITNESS. What I desire to say is simply this, that I never knew Mr. Ballinger ; I never spoke with him in my life until last September when the subcommittee were in Topeka. He was a perfect stranger to me, and if he was ever in my room I do not know it. Such a transaction never did occur and never could occur. There is not the least shadow of foundation for it. Mr. Stumbaugh introduced me to Ballinger last September, when you were in Topeka, which was the only time I ever saw the man, and therefore I never had any communication with him in relation to that matter or any other.

I do not know whether there is any further statement that I need make about Ballinger. I will say, however, that he once wrote me a letter, but not knowing him I turned the letter over to Mr. Stumbaugh and never answered it. That letter I believe has been put in evidence here. Beyond that I know nothing about Ballinger.

By Senator HILL :

Q. Is there any other statement you wish to make about the matter ? —A. I have no feeling about the other thing. They accuse me of loaning money to Horton, when I never loaned him a cent and everybody knows that.

Senator HILL. That is denied of record.

The WITNESS. John M. Price in his testimony says I talked to him several days before the election about it. Horton was not even a candidate until the night before the election, and I could not have talked to Price about it. Price is entirely mistaken. That is all.

By Senator HOAR :

Q. I understand you emphatically to deny both those stories in general and in detail ?—A. Yes, sir ; in just as much detail as you choose and just as much in general as you choose. I deny them entirely. There is not a shadow of foundation for them. Judge Price was simply entirely mistaken ; I never had a conversation with him about it. Neither of us supposed that Judge Horton was a candidate three or four days before, and he never was until the night before the election. He never had but two or three votes, I believe, till then.

There is nothing else that I can think of that I need speak about. If anybody desires to ask me any questions of course I will answer them,

but I did not want to be connected with Ballinger in a matter which I never heard of.

By Mr. WEBB:

Q. After Horton's nomination did you lend him any money?—A. No, sir, never. I never had any conversation with Mr. Martin about his vote. This money transaction that Aldrich speaks of is a pure fabrication.

At the request of Mr. WEBB the committee extended the time for the filing of briefs by counsel till the 9th inst.

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Anthony, Daniel R.	720
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ERRATA.

- Page 7, in date, for "September 3" read "September 23."
Page 17, line 1, after "Hallowell," add "Hamlin."
Page 17, line 6, after "Clark," add "Cool."
Page 17, line 11, after "Nehama" add "and Woodard."
Page 19, line 43, for "join" read "joint."
Page 24, line 26, for "Ingalls" read "Republican."
Page 24, line 40, for "canvass" read "caucus."
Page 30, line 16, for "Topekra" read "Topeka."
Page 41, line 36, for "of competent" read "or competency of."
Page 44, line 33, for "not more than five minutes" read "or were you there."
Page 62, line 16, for "hanps" read "hands."
Page 76, line 49, for "Gay" read "Gale."
Page 156, line 39, for "John N. Hutchison" read "John M. Hutchison."
Page 217, line 13, for "that meeting with" read "writing the letter to."
Page 252, lines 25 and 29, for "Girard" read "Oswego."
Page 263, line 18, for "you" read "your."
Page 269, line 4, for "he" read "you."
Page 283, line 26, for "State" read "Senate."
Page 306, line 35, for "T. O. Savage" read "I. O. Savage."
Page 318, line 32, for "Hilton" read "Horton."
Page 333, line 48, for "to and" read "and to."
Page 337, line 2, strike out "up."
Page 345, line 47, for "C. F. Brown" read "C. J. Brown."
Page 411, strike out from "interrogated" on line 30, to "He came to me," on line 40.
Page 424, line 8, for "scabs" read "scads."
Page 426, line 5, for "Kerwin" read "Kirwin."
Page 430, line 1, for "Horton's" read "Holden's."
Page 431, line 51, for "James F. McDowell" read "James L. McDowell."
Page 486, line 1, for "nto" read "not."
Page 494, line 1, for "J. O. Savage" read "I. O. Savage."
Page 495, line 31, for "John R. Rankin" read "John K. Rankin."
Page 496, line 44, for "Sabine" read "Saline."
Page 497, line 21, for "Saline" read "Salina."
Page 504, line 43, for "J. O. Savage" read "I. O. Savage."
Page 536, last line, for "purpose" read "purport."
Page 561, line 3, between "the" and "election" add "Senatorial."
Page 565, line 49, for "went" read "kept."
Page 572, line 16, for "might" read "my."
Page 572, line 27, between "that" and "was" add "it."
Page 577, line 28, after "Foulkes" add "in our rooms."
Page 584, line 53, for "off" read "over."
Page 585, line 27, for "for" read "from."
Page 591, line 9, for "\$8,000" read "\$3,000."
For folio printed "629," following folio 618, read "619."
Page 635, line 33, for "hew as" read "he was."
Page 636, line 35, for "King" read "Ping."
Page 687, line 19, for "H. S. Taylor" read "H. L. Taylor."
Page 687, line 24, for "Ouachita" read "Wichita."
Page 688, line 9, for "an old" read "a."
Page 705, line 7, for "Ingalls, 51" read "Ingalls, 53."
Page 705, line 8, for "Humphrey, 4" read "Humphrey, 1."

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1880.—Ordered to be printed.

Mr. BUTLER, from the Committee on Civil Service and Retrenchment, submitted the following

REPORT:

[To accompany bill S. 1366.]

The Committee on Civil Service and Retrenchment, to whom was referred the resolutions of the Senate of the 29th of May and of the 18th of June, 1879, having had the same under consideration, submit the following report:

On the 29th of May, 1879, the Senate passed the following resolution:

Resolved, That so much of the memorial of J. B. Greene and the accompanying petition of Augustus Woodbury and other honorably discharged soldiers and sailors of the United States and citizens of the State of Rhode Island as relates to the alleged violation of sections 1754 and 1755 of the Revised Statutes in relation to the appointment of wounded soldiers and sailors to civil offices, and also so much of said memorial as relates to alleged violations of civil-service reform in the State of Rhode Island, be, and the same is hereby, referred to the Committee on Civil Service and Retrenchment, with authority to send for persons and papers—

which was referred to the Committee on Civil Service and Retrenchment; and on the 18th of June, 1879, the following was passed by the Senate:

Resolved, That the Committee on Civil Service and Retrenchment, to whom was referred the memorial of J. B. Greene and others, of Rhode Island, in relation to the alleged violation of sections 1754 and 1755 of the Revised Statutes and the alleged violation of civil-service reform in the State of Rhode Island, have leave to sit during the recess of the Senate, with the power to employ a clerk and a stenographer, to appoint a subcommittee, who may hold sessions at such place or places as may be deemed most convenient for the purposes of the investigation; and that the expenses thereof be paid out of the "miscellaneous items" of the contingent fund of the Senate.

The "memorial of Augustus Woodbury and other honorably discharged soldiers and sailors of the United States," and "the petition of J. B. Greene accompanying the same, referred to in the foregoing resolutions, together with a letter of Dr. Greene to the President of the United States touching the same matter, are in the following language:

To the Senate and House of Representatives of the United States of America in Congress assembled:

We, the undersigned, honorably discharged soldiers of the Army and Navy of the United States, of the city and county of Providence, State of Rhode Island, respectfully pray and petition that your honorable bodies will, by resolve, resolution, or otherwise, instruct or demand the President to execute, enforce, conform in letter and spirit to sections 1754 and 1755, Revised Statutes of the United States, March 3, 1865, especially in regard to appointments made for collections of customs dues at the district and port of Providence:

"SEC. 1754. Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

"SEC. 1755. In grateful recognition of the services, sacrifices, and sufferings of persons honorably discharged from the military and naval service of the country, by reason of wounds, disease, or the expiration of terms of enlistment, it is respectfully recommended to bankers, merchants, manufacturers, mechanics, farmers, and persons

engaged in industrial pursuits, to give them the preference for appointments to remunerative situations and employments."

AUGUSTUS WOODBURY,
and OTHERS.

To the Senate and House of Representatives of the United States of America in Congress assembled :

I have the honor to submit a petition of the honorably discharged soldiers and sailors of the Army and Navy of the United States, residents of the city and county of Providence, State of Rhode Island. It is herein alleged that several honorably discharged soldiers have been within a short period dismissed the custom-house at the port of Providence, Rhode Island. Their places have been filled by civilians, with one exception, and mainly by the relations of Hon. H. B. Anthony. Several of these deposed veterans are and were ready to submit to a competitive examination. This privilege was denied them.

Gallant men, with dependent families, have been displaced to make room for mere striplings who were in swaddling clothes when these veterans were fighting the battles of their country; men whose sense of duty impelled them to the front in the late struggle are now forced to yield their well-earned places to men who were speculating in cotton or other merchandise during the late war. Thus the statutes have been violated, the rules of civil-service reform have been disregarded, and nepotism has been a marked feature in the selection of civilians to fill the positions of the discharged veterans. It seems to be the purpose of persons most interested to confine the Federal patronage within a limited circle, even to the prejudice of good government. For a long time the interference of Federal officers at the polls, at town, city, and State elections, has restrained men from the exercise of rights guaranteed by the Constitution. Your honorable bodies are respectfully asked to interfere in behalf of the parties aggrieved.

Subjoined is the roster of the custom-house of the port of Providence, Rhode Island; names of the civilians marked thus, X :

Cyrus Harris X	\$5,000	Joseph T. Read X	1,095
Edward P. Burrows X	3,000	D. M. Arnold X	1,095
E. C. Ashley X	1,800	J. R. Skinner, soldier	1,095
Nathan Goff, jr., soldier	1,600	B. C. Allen X	900
Robert Perkis X	1,095	William S. Chase, soldier	1,095
George W. Pettis, soldier	1,095	—— Boatman X	500
Master Burrows X	1,095	E. C. Pomroy, soldier	1,095
J. E. Burrows, soldier	1,095		
Total			22,655

A glance at the above names and figures shows that the civilians far outnumber the veterans. The money paid to the civilians is twice that paid to the veterans.

RECAPITULATION.

The pay-roll of the custom-house proximates \$22,655. Of this amount about \$7,000 only is paid to the veterans, while upward of \$15,000 is paid to civilians. One of the soldiers in the above list, a relative of the senior Senator of Rhode Island, also holds a clerkship in a large mercantile house, and thus draws a double salary. Another of the list of civilians, aside from his private business, is known to be the active manager of town, city, and State elections, even to the prejudice of good government. The course of the leading Federal officers, in this respect at least, has become odious to the most respectable portion of the people. That the office of the appraiser of foreign merchandise can be dispensed with with no prejudice to the interest of the government is deemed a worthy subject for consideration of a committee from your honorable bodies. The question of proscription, the undue restraints and influence of Federal officers at the polls over the morally weak, as well as the question of the violation of the statute in civil appointments, is also deemed a worthy subject for consideration of a committee from your honorable bodies.

All of which is very respectfully submitted in behalf of the party and persons aggrieved.

By your most obedient servant,

J. B. GREENE,
127 Broad Street, Providence, Rhode Island.

P. S.—This question is most respectfully submitted: When those who make the laws violate them or fail to conform to their provisions, is there a remedy? If so, where is it to be found?

J. B. G.
WASHINGTON, D. C., May 1, 1879.

To the President, Hon. RUTHERFORD B. HAYES:

In compliance with your request and the privilege emanating from your high office, I submit in writing the subject relating to certain grievances referred to in the interview of the 1st inst.

That you were not aware that several war-worn veterans had been discharged from the custom-house at the port of Providence, Rhode Island, until I called your attention to the fact is not remarkable. That this course was in direct violation of the statute, as well as a blow to civil-service reform, I need not here reiterate.

It may be here stated, however, while the pathetic appeals of Hon. H. B. Anthony were resounding in the Senate Chamber, the voices of upwards of three hundred veterans of the war from his own State were asking Congress to redress the wrongs of the same nature of which he complained, perpetrated with his knowledge, within his own district. The appeals of the friends of the veterans to save them from dismissal were unheeded. Hon. Senator Burnside was appealed to in vain. "The governor and myself do not intend to interfere at this end of the line" was the response received by an honored citizen of Rhode Island who was pleading in behalf of the veterans threatened with removal. All efforts in this direction seemed worse than wasted.

The collector of the port of Providence, Rhode Island and several of his subordinates, all honorably discharged soldiers and efficient officers, have been dismissed. Their places have been filled, with one exception, by civilians, three of whom are the relatives of Hon. H. B. Anthony.

Other soldiers and worthy and efficient officers are threatened with removal. One of the veterans dismissed, Capt. H. A. Greene, was one of five brothers, whose united periods of service extended upwards of seventeen years. Two of the five brothers were disabled in line of duty, one of them permanently. To his support and that of a widowed mother this officer has liberally contributed. Captain Greene placed all of his private fortune at the disposal of his country in the early part of the war. A bill is now before Congress for reimbursement. When an appeal was made in behalf of this war veteran to the man who assumes charge of the political calendar in Rhode Island when the senior Senator is away, the answer was, "Greene is not a Republican in good standing." This deposed veteran did, however, vote for General Ambrose E. Burnside, and also for the successful candidate at the last Presidential election, whom you have the distinguished honor to be. Such men, it will be learned on inquiry, do not find favor with those who have the power to distribute public patronage in Rhode Island. Captain Greene's political creed may need revising. It is not as versatile as that of his accuser, since he never voted for a Democratic candidate in his life.

A full knowledge of the conduct of Federal officers in Rhode Island can be learned by the appointment of a fearless and trustworthy committee, endowed with full powers to send for persons and papers. Then it would be discovered that political persecution is not entirely confined within the borders of our more southern sister States. Such a committee would find that the statute relative to the appointment of honorably discharged soldiers to civil offices is violated in letter and spirit, that the question of civil-service reform is a by-word, and nepotism, the bane of all good government, prevails to an extent that its disagreeable features have become apparent.

In conclusion, I have the honor to most respectfully suggest that when the statute relative to the appointment of honorably discharged soldiers to civil positions is reasonably complied with in Rhode Island and their present grievances and wrongs are redressed, all effort in their behalf will terminate. Mindful of the fact that the distinguished head of our powerful nation is but a servant of the people, pleased with the reflection that an humble citizen has sovereign rights,

I have the honor to remain, your obedient servant,

J. B. GREENE.

Pursuant to the resolution of the Senate of June the 18th, your committee met at Newport, R. I., on the 12th of August, 1879, and on the 14th proceeded with the investigation by examining such witnesses as were presented, thirty-seven in number, and concluded the examination on Tuesday, the 19th of August, and submit herewith, as a part of this report, the testimony taken. In order to comprehend fully the force of this evidence it will be well to bear in mind the specific allegations and charges made in the memorial of the "discharged soldiers and sailors" and in the petition of J. B. Green accompanying it, to wit, that sections 1754 and 1755, which are in these words:

SEC. 1754. Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty, shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

SEC. 1755. In grateful recognition of the services, sacrifices, and sufferings of persons honorably discharged from the military and naval service of the country, by reason of wounds, disease, or the expiration of terms of enlistment, it is respectfully recommended to bankers, merchants, manufacturers, mechanics, farmers, and persons engaged in industrial pursuits, to give them the preference for appointments to remunerative situations and employments—

had not been obeyed, "especially in regard to appointments made for collection of customs dues at the district and port of Providence;" that "the statutes have been violated, the rules of civil-service reform have been disregarded, and nepotism has been a marked feature in the selection of civilians to fill the places of discharged veterans;" and that "for a long time the interference of Federal officers at the polls at town, city, and State elections has restrained men from the exercise of rights guaranteed by the Constitution."

Your committee are of opinion that the testimony shows beyond dispute that sections 1754 and 1755 have been violated in letter and in spirit in "the appointments made for collection of customs dues at the district and port of Providence;" that "persons honorably discharged from the military and naval service by reason of disability resulting from wounds or sickness incurred in the line of duty" *have not been "preferred for appointments to civil offices;"* but that, on the contrary, "honorably discharged soldiers," though not suffering "under disabilities from wounds or sickness incurred in the line of duty," were "wounded" in the line of duty and honorably discharged after highly meritorious and gallant service during the war, have been removed and their places filled by civilians wholly without a record of service in the Army or Navy.

Not only were these discharged soldiers thus supplanted, but it appears to your committee from the evidence entirely without proper cause, and in the face of the fact that "they were found to possess the business capacity necessary for the proper discharge of the duties of the offices" in which they were employed. It will not be doing justice in the case of General Shaw and others to say simply that "they were found to possess the business capacity necessary for the proper discharge of their duties."

By the concurrent testimony of all parties—importers, merchants, public officials, and employes—General Shaw "possessed" the highest qualifications for the discharge of his duties as collector of the port of Providence, and appears to have had the esteem and confidence of officials, superiors in rank, and the entire community within the range of which his duties were performed.

His military record was most honorable and meritorious, as presented to your committee, and yet he was displaced for no other cause—that your committee can discover, and an aged civilian politician appointed in his stead—than that he obeyed the civil service orders which had been promulgated by the head of his department, and refused to be assessed on the amount of his salary as a public officer for political purposes. If there was any other cause for his removal it was not made to appear.

In this connection special attention is invited to the following correspondence between General Shaw and General C. R. Brayton, as "Chairman of the State Central Committee and member of the finance committee" of the Republican party:

The correspondence was received in evidence, as follows:

PROVIDENCE, R. I., April 30, 1877.

To the Editor of the Journal:

DEAR SIR: I forward you herewith copies of correspondence between the Republican State Central Committee and myself. I do not ask you to publish it, for I do not seek publicity in any way; but I propose in all cases to do what I believe to be right, without regard to the opinions or insults of any man or body of men, and think it may be well to let the Republican party know how they are misrepresented by their committee. I therefore place the whole correspondence in your hands, specifying only that, if you

allude to it at all, you will publish the whole, with the names of the members of both the old and new committee attached.

I am, very respectfully, &c.,

JAMES SHAW, JR.

[Printed heading.]

HEADQUARTERS NATIONAL UNION REPUBLICAN STATE CENTRAL COMMITTEE.

COMMITTEE.—William R. Walker, Pawtucket; Nathan T. Verry, Woonsocket; J. M. Wright, Foster; John P. Gregory, Lincoln; Wm. M. Spink, Warwick; Dexter B. Potter, Coventry; Thomas W. Chace, E. Greenwich; Sands C. Carr, Hopkinton; John G. Clarke, S. Kingston; Isaac F. Williams, Bristol; Charles H. Handy, Warren; Allen C. Mathewson, Barrington; Jonathan A. Sisson, Portsmouth; John P. Sanborn, Newport; Harwood E. Reed, Newport. C. R. Brayton, Providence, chairman; N. S. P. Thomas, No. Kingston, secretary.

PROVIDENCE, R. I., Nov. 2, 1876.

Gen. JAMES SHAW, JR. :

DEAR SIR: The State Central Committee directs me to request of you a contribution of \$100 to assist in defraying the legitimate expenses of the campaign. A similar request has been made to the heads of other departments of the government.

To be of service it should be forwarded at your earliest convenience.

Respectfully,

C. R. BRAYTON,

Chairman of Republican State Committee and Member of Finance Committee.

CUSTOM-HOUSE, PROVIDENCE, R. I., COLLECTOR'S OFFICE,
November 4, 1876.

Gen. CHARLES R. BRAYTON :

SIR: Yours of the 2d instant, containing a modest request for a contribution of \$100 for the expenses of the campaign, and in which you say that a similar request has been made to the heads of other departments of the government, was received last evening. I presume you mean by the last-named sentence, in my case, the head of the customs service of this district; that the request is not meant to apply to me personally, but to the office I represent, and that I am expected to ask *contributions* (?) from subordinate officers.

If that is your intention, I would respectfully refer you to the laws of the United States on the subject, and the instructions of the Secretary under whose orders I act.

I never have and never propose to take any such course while I have the honor to hold the position. But while I decline to submit to an assessment (I beg your pardon, *voluntary contribution?*) as collector of customs, I do not intend, while holding that position, to relinquish any right that I have as a citizen. I propose always to meet my *full* share of the expenses of any organization to which I may belong, and I shall not be behindhand in doing my part as a member of the Republican party, in whose success I have from its organization taken the deepest interest. I intend, however, to be *my own judge* as to what is the proper amount, and when, and where, and how to contribute it.

Very respectfully,

JAMES SHAW, JR.,
Collector.

P. S.—I address this letter to you personally, because I cannot believe that the *State Central Committee* would authorize any such *method* of raising the necessary funds.

[Printed heading, as before.]

PROVIDENCE, R. I., November 5, 1876.

Gen. JAMES SHAW, JR.,

SIR: I have only time now to say that any contribution you choose to make, in any capacity, is needed by the State committee.

Very respectfully,

C. R. BRAYTON,

Chairman State Central Committee and Member of Finance Committee.
[Printed heading.]

PROVIDENCE, February 6, 1877.

Gen. JAMES SHAW, JR.,

SIR: In accordance with instructions of the Republican State Central Committee, I enclose an attested copy of resolutions unanimously passed January 30, 1877.

Very respectfully,

C. R. BRAYTON,
Chairman.

[Copy of resolutions.]

Whereas General James Shaw, jr., was requested in writing by the chairman of this committee to contribute the sum of one hundred dollars towards the legitimate campaign expenses of the committee; and whereas, in a personal reply, over his official signature—presuming a construction unwarranted by the text of the request—he questions the authority of the chairman to make such request:

Therefore, resolved, That the chairman, being then a member *ex officio* of both the finance and executive committees, had full authority to make said request, and that the committee fully approve his action, both as to its form and substance, and regret that General Shaw's subsequent failure to subscribe at all gives rise to the impression that he may have made an unwarrantable presumption of the meaning of the text a pretext for evading a proper and equitable contribution.

Resolved, That the chairman furnish General James Shaw, jr., with a copy of the above *preamble and resolutions*, duly attested by the secretary.

A true copy of the original, unanimously adopted January 30, 1877.

D. B. POTTER,
Secretary pro tempore.

PROVIDENCE, R. I., February 8, 1877.

GENTLEMEN: I am in receipt of a letter from Charles R. Brayton, chairman, inclosing a resolution (in his handwriting) passed by the Republican State central committee on the 30th ultimo, indorsing his action in an attempt to assess Federal office-holders as such (heads of departments; see his letter of November 2), in the form of a request for contributions for campaign purposes largely in excess of the contributions expected from other citizens of equal income.

I deeply regret that gentlemen who should represent the Republican party of this State should indorse an action so utterly opposed to the letter and spirit of the National Republican platform. That, however, is a matter that concerns them and their chairman; but when General Brayton puts into their mouths, by those resolutions, such words as the following, viz., "General Shaw's subsequent failure to subscribe at all gives rise to the impression that he may have made an unwarrantable presumption of the meaning of the text a pretext for evading a proper and equitable contribution," he makes you first to *misstate the facts*, and then *impugn my motives*, and as gentlemen I shall expect you to amend the resolution by striking out the words above quoted.

My action in the matter has been exactly in accordance with my views as expressed in my letter of November 4, a copy of which is herewith inclosed, together with copies of General Brayton's letters of November 2 and 5, and February 6, and the resolution of the committee of January 30.

In my letter of November 4, it will be noticed that after giving my understanding of Brayton's letter of the 2d, I say, "*If such is your intention*," and then reply, and you will also notice that in his letter of the 5th he does not object to the construction I placed on his previous communication.

I am, gentlemen, very respectfully, &c.,

JAMES SHAW, JR.

TO REPUBLICAN STATE CEN. COM.,
Of Rhode Island.

[Printed heading.]

· HEADQUARTERS REPUBLICAN STATE CENTRAL COMMITTEE.

COMMITTEE.—Chas. R. Brayton, Providence; Wm. H. Clarke, Burrillville; J. M. Wright, Foster; John P. Gregory, Lincoln; Wm. M. Spink, Warwick; Dexter B. Potter, Coventry; Thos. W. Chace, E. Greenwich, Alanson Cradall, Hopkinton; John G. Clarke, S. Kingston, Isaac F. Williams, Bristol; Cha. H. Handy, Warren; Allen C. Mathewson, Barrington; George Manchester, Portsmouth; John P. Sanborn, Newport; Geo. M. Durfee, Tiverton; W. A. Pierce, Olneyville, chairman; N. S. P. Thomas, North Kingston, secretary.

PROVIDENCE, R. I., April 27, 1877.

Gen. JAMES SHAW:

SIR: I am directed by the Republican State central committee to acknowledge the receipt of your letter of February 8, received March 5, 1877, with inclosure as stated, and to say in reply that they have carefully considered the subject as submitted by you, and see no reason, no additional facts being presented, to amend the resolution of the old committee unanimously passed by them January 30, 1877, and hereby unanimously indorse the same.

Very respectfully, yours,

N. S. P. THOMAS,
Secretary.

Here ends the correspondence. The proceedings of the committee who *should* represent the Republican party of this State will be properly appreciated and stigmatized by every gentleman.

My views have already been given in my letters of November 4 and February 7.

Very respectfully,

JAMES SHAW, JR.

PROVIDENCE, April 30, 1877.

It may not be inappropriate to call attention just here to the following communication, of somewhat *later date*, addressed to a *supposed* employé in the Providence post-office. Inasmuch as the party aimed at had been decapitated, for reasons which will hereafter appear, the "circular" did not "bring forth fruit," but it is instructive reading, as going to show how implicitly civil service rules and orders are *obeyed* by those who *issue* them :

WILLIAM A. RICHARDSON sworn and examined.

By the CHAIRMAN :

Question. Where do you live?—Answer. In the city of Providence.

Q. What is your business?—A. I am now in the stationery business.

Q. How long have you lived in Providence?—A. All my lifetime.

Q. Have you ever held any official position under the government in Providence?—A. I was formerly in the post-office.

Q. In what capacity?—A. I have been in all parts of it. When I first entered the office I entered as a letter-carrier; I was then on the general delivery; in the money-order department; registered letters; I was in the stamp department; I was afterwards clerk in the newspaper department, and under General Brayton's administration when he came in I was clerk of the newspaper department, and was promoted by him to be a superintendent of carriers.

Q. How long has he been in office?—A. I think he is now serving his second term.

Q. How long do you call a "term"?—A. Four years.

Q. He has been there more than four years?—A. Yes, sir.

Q. (Handing a circular.) Look at the paper I have just handed you. What is it?—

A. (Examining.) I received this at the store where I am now employed.

Q. Since you have been out of the service?—A. Yes, sir.

Q. What is that?—A. I should say it was a call for ten dollars.

Q. By whom is it signed?—A. Mr. Gorham, secretary of the Republican Congressional committee.

Q. What is the date of it?—A. May 27, 1878.

Q. Is it addressed to you?—A. Yes, sir.

Q. You received that out of the post-office?—A. Yes, sir.

Q. Did you pay the ten dollars?—A. No, sir; I did not.

The CHAIRMAN. Let that be put in evidence.

[The circular is addressed "Mr. W. A. Richardson, P. O., Providence, R. I.," and accompanied by an envelope addressed "Sidney F. Austin, esq., treasurer Republican Cong. Committee, German-American National Bank, Washington, D. C.," and is as follows :]

EUGENE HALE,
Chairman.

HEADQUARTERS

GEO. C. GORHAM,
Secretary.

OF THE

Executive Committee :

Hon. William B. Allison.

Hon. Stephen W. Dorsey.

Hon. Blanche K. Bruce.

Hon. Horace F. Page.

Hon. Charles Foster.

Hon. Jacob M. Campbell.

Hon. Jay A. Hubbell.

Hon. Charles H. Joyce.

Hon. Frank Hiscock.

REPUBLICAN CONGRESSIONAL COMMITTEE [1878],

1319 F street, northwest, Washington, D. C.,

WASHINGTON, D. C., May 27th, 1878.

SIR : This committee, charged with laboring for the success of the Republican cause in the coming campaign for the election of members of Congress, call with confidence upon you, as a Republican, for such a contribution in money as you may feel willing to make, hoping that it may not be less than \$10. The committee deem it proper, in

thus appealing to Republicans generally, to inform those who happen to be in Federal employ that there will be no objection in any official quarter to such voluntary contribution.

The importance of the pending struggle cannot easily be exaggerated. That the Senate is to be Democratic after the 4th of March, 1879, is very nearly a certainty. In view of this, the election of a Democratic House of Representatives would precipitate upon the country dangerous agitations, which would inevitable add to present distresses. Foremost among their schemes, the opposition already announce their intention to attempt the revolutionary expulsion of the President from his office.

If, by the presentation of three candidates for the Presidency in 1880, the people should fail to choose, the House must elect—each State delegation casting one vote.

From what is now known, and with the growing dissensions in the camp of the enemy, the committee have good reason to enter upon their work with courage.

Please make prompt and favorable response to this letter, and remit at once, by draft or postal money order, to "Sidney F. Austin, esq., treasurer, &c., German-American National Bank, Washington, D. C."

By order of the committee :

GEO. C. GORHAM, *Secretary.*

What has heretofore been said in General Shaw's case is largely true of Major Joice and Captain Green, who were likewise honorably discharged soldiers, and moreover competent and faithful public servants. They, too, were removed without proper cause, and a civilian who had done no military service during the war was appointed in the place of Major Joice, who was wounded in service and promoted for gallant and meritorious conduct.

Major Pomeroy, appointed in Captain Green's place, was a Union soldier of good military record and was wounded in action, while Captain Green was engaged in less important service, principally on the Indian frontier, and was in no engagement in the field, and therefore in his case the statute has not been violated.

Many other facts might be recited from the evidence relating to the discharge and appointment of employes in the Providence custom-house, to the pernicious practice of the present collector in permitting his subordinates to engage in other business avocations while they are employed by the government, to which, by the nature of their contracts, and for the best interest of the public business, they owe their undivided service.

But it is not deemed necessary to recount them in order to sustain the proposition that the above-recited sections of the Revised Statutes and the civil service rules and orders have been violated and disregarded, as set forth in the memorial.

Other cases than those mentioned from the Providence custom-house were brought to the attention of the committee. General Charles R. Brayton was the postmaster at Providence, and your committee feel constrained to say that the evidence develops a state of facts in regard to his official conduct alike discreditable to him as a public officer charged with so important a trust and hurtful to the public service. Your committee is sustained in this statement by events which have transpired since the investigation was concluded. The public prints have announced that General Brayton has proven a defaulter to the government, as postmaster at Providence, to a very large amount—from thirty-five to forty thousand dollars. Witnesses whose credibility has not been assailed, and, therefore, your committee assume is unassailable, have testified, among other things, as follows:

Mr. WILLIAM A. RICHARDSON, a private soldier in the United States Army during the war, was examined.

By the CHAIRMAN :

Q. What reason was given for your discharge from the post-office?—A. The letter that I received from Mr. Brayton stated that, in his opinion, by appointing a new man in my place it would add to the efficiency of the carrier service.

Q. Was that the reason assigned?—A. Yes, sir.

Q. Had there been any complaint made before that?—A. Never.

Q. Who was put in your place?—A. Mr. F. C. Rider.

Q. Is he still in that place?—A. He was the last I knew.

Q. Who is Rider?—A. I understand that he is in some way connected with Mr. Danielson.

Q. Who is Mr. Danielson?—A. Editor of the Providence Journal.

Q. While you were in that capacity, can you tell the committee anything about interference with the local or general elections by the Federal officials, and in what way? Were you ever ordered to perform any services in that direction yourself or your subordinates?—A. I was never ordered myself to perform any service. Mr. Brayton, at the time of some political caucuses in Warwick, and I do not know but at elections in Warwick—I think on both occasions—instructed me when certain carriers came in who were then residents of Warwick, to notify them that he had gone to Warwick and would expect them to go down on the next train, or in the course of the day, to attend caucus and to attend the general election.

Q. Where is Warwick?—A. In the south part of the State of Rhode Island.

Q. How far from Providence?—A. About twenty miles, I should think.

Q. He said you must tell them that he would expect them to return on the next train?—A. He did not say "I must," but requested me to notify them that he had gone down and to meet him there by the next train.

Q. Did they go?—A. Yes, sir.

Q. How many were there?—A. I think there were two of the carriers at that time. There were quite a number of clerks in the office who came from Warwick who went down at various times.

Q. To the caucuses?—A. I think they went to both.

Q. How many clerks are in the post-office at Providence from Warwick?—A. I cannot say what there are there now.

Q. How many when you were there?—A. Mr. Brayton's father, I think, came from Warwick. I think the money-order clerk that was with Mr. Brayton in that department came from Warwick. I do not know his name fully; I think it is Tyler, but I am not sure.

Q. Has Mr. Brayton any other relative in the post-office?—A. I think Mr. Brayton's wife's sister was employed there for a short time; I do not know how long.

Q. Do you know anything of the interference of any Federal officials with the elections of the State, or county, or town; and, if so, what?—A. I only know from general report in regard to other officers. Mr. Brayton has been very active in politics. I have seen him at the ward meetings in the first ward, at the caucus meetings. I was only present one evening, when I walked across the street to see what was going on. The meeting had just opened then. After the call to come to order, I think there were about eight persons in the ward room. Mr. Brayton was there, and the witness who preceded me, Mr. Brown, I think, was there. There were two of the police force, and, I think, two or three other citizens. That was about all.

Q. Did you see any of the political workers, if I may use the expression, about the post-office; and, if so, when, and was it regarded as a headquarters for them?—A. I cannot say that I saw political workers there. I have known of parties being in Mr. Brayton's private office. I did overhear the conversation, and I understood political work was going on. I cannot repeat any conversation now. I knew they were there on political business, and there was general talk in regard to it.

Q. In the post office?—A. In his private office, which is in the post-office building.

Q. Was Mr. Brown ever among that number, do you remember?—A. No, sir; I never saw Mr. Brown there. I only saw him at this ward-room with Mr. Brayton that night.

Q. Is Mr. Brown an active politician?—A. I have always understood so; I only know him by sight.

Q. Are there any other of the officials that you have known to interfere in politics? Do you know anything of any money being used improperly, or any other irregularity?—A. I know there were clerks in the office who went with Mr. Brayton to the election. They came from Warwick. I do not know that Mr. William D. Brayton, the father of the postmaster, ever went to Warwick. He was out of my sight, and I cannot say that he went. I know that the others came back, and when they came into the office they said they had been down. At the time that I saw Mr. Brayton in the first-ward meeting, he took the whole control of the meeting. I think it was at the time that they nominated a gentleman for the convention to make nominations for governor this last election. Mr. Brayton proposed the name of Mr. Angell as a candidate. I think he is connected with the American Screw Company. Mr. Angell, I think, shook his head, as much as to say he did not choose to be a candidate. Mr. Brayton stepped over to him, and after making a few remarks—I could not hear what he said, I was not in the ward-room, I was standing right at the door—I cannot say whether that was put to a vote then or not, but at any rate Mr. Angell stood and was elected.

Q. After that conference between Mr. Brayton and himself?—A. Yes, sir. After that I think Mr. Brayton offered a resolution that Mr. Angell have power to fill the vacancy in case he left the city or for any cause could not be present, and I think Mr. Brown at that time offered some other little resolution; and that was about all there was to the meeting.

Q. Were clerks at any time detained in the post-office to do political work after office hours?—A. Not clerks that I know of.

Q. Anybody in the post-office?—A. Carriers are obliged to take out ballots on the day before election, I think.

Q. Letter-carriers?—A. Yes, sir; the day before election, a great many times—the ballots. At one time I knew of the ballots being fixed in the office.

Q. What office?—A. Mr. Brayton's private office. E. G. Burrows, the appraiser of foreign merchandise, was present. There was another gentleman present. I think it was Mr. John E. Burroughs, but I am not positive. I know there was another gentleman present. The porter of the office and myself were there. In order to get out the carriers as soon as possible at that time, I assisted by taking the ballots, as fast as they would inclose them in the envelopes, to the mail room. Some of them I put stamps on and then took them to the carrier department, where we tried to arrange it as near as we could in the assortment of these ballots to get as many carriers that went in a certain section of the city to get theirs together. Instead of my distributing them, as I generally did mail matter, we handed these to the carriers themselves and let them run them right through. In one case I think there were two or three that had these ballots for a certain section of the city that they took and ran right through. There were two of those men that should have gone out of the office by half-past one, that did not go out until four o'clock in the afternoon. At that time the New York mail arrived about that hour, and those men did not take the mail then and did not take it that day.

Q. They were employed, I understand you, in carrying out those ballots?—A. They took those with their regular mail matter. On other occasions I have known them to go out by Mr. Brayton's direction in the evening, after they had performed their regular duty for the day. They would have gone home at that time, but they were obliged to take out these by instructions to me from the postmaster that these men be held and take these tickets and distribute them throughout the city. Some of the carriers did not get through till between nine and ten o'clock at night. One, I think, of the carriers told me that he had so much of it to do in his section (which was quite a large section; I think at that time he only made one trip a day), that he employed a substitute to go with him and paid him out of his private purse.

Q. To help him distribute these ballots?—A. Yes, sir.

Q. Do you remember what election that was?—A. I do not remember, because I never thought I should be called on for such things.

Q. Was it since Mr. Brayton has been postmaster?—A. Certainly; it was all under his administration.

Q. He gave you these instructions as to the carriers?—A. Yes, sir; they were verbal instructions, not written ones. At another time, of an evening—we had had a cold drizzly rain, something similar to this day—the carriers came in; I think it was in the fall of the year that I left the office; Mr. Brayton told me that he would like to have me keep one or two carriers when they came in to distribute ballots in the first ward. When the men came in, I told them what Mr. Brayton expected, and they waited quite a while. The ballots did not seem to come along. The porter of the office informed me that they were being fixed in a building across from the office, he said in Jesse Eddy's liquor store, and probably it was upstairs. As those were brought in, the carriers assorted them for themselves, or I do not know but that I assorted them myself, and they took them out. They got tired of waiting, and at last started off. It was dark, and they had to stop under the lamp-post to read the addresses on the envelopes. They did not finish the work that night. They only had a small quantity with what was to go out. Mr. Brayton did not give me the instructions, but I understood when I came back from tea that Mr. Brayton had instructed what substitutes there were there, that they were to be on hand in the morning and take these things out on the different routes, so that the people would have them before the time for voting commenced. One other carrier that was to go that night, I understand, made some arrangement with Mr. Brayton not to go out at night but do it in the morning early.

Q. Was that extra duty?—A. I considered it so.

Q. Were the ballots in envelopes?—A. In envelopes regularly mailed.

Q. Were they stamped?—A. Yes, sir; regularly stamped.

Q. The first batch you spoke of were prepared in the post-office building, as I understood you?—A. Yes, sir; in the postmaster's private office.

Q. On the second occasion they were prepared across the street?—A. So I was informed. I knew nothing personally about them; I did not see them.

Q. What kind of a place is Eddy's store?—A. A wholesale liquor store. I do not know that they were prepared in there. I was only told they were prepared over at

Jeane Eddy's store. Whether it was in his store or some other part of the building I cannot say. He owns the building.

Q. Are there any other irregularities in the management of the post-office you can mention? If so, state them.—A. I have seen considerable intoxication in the office.

Q. Who was intoxicated?—A. Clerks and carriers and postmaster.

Q. In the post-office?—A. Yes, sir.

Q. Do you remember at what time that was? Was it before your discharge?—A. Yes, sir. I think after Mr. Brayton came to the office everything ran along very smoothly for a year or more, with the exception of one or two instances among the clerks.

Q. What were those?—A. Intoxication.

Q. After a year or two what happened?—A. After that it seemed to be a kind of general thing all around.

Q. What drunkenness?—A. Yes, sir. I have known clerks to be intoxicated there in the office so that they were unable to perform their work. I have known the postmaster to be in the office very much intoxicated indeed.

Q. The postmaster, General Brayton?—A. Yes, sir; General Brayton.

By Mr. CHANDLER:

Q. When?—A. During his term of office.

Q. What particular day or night?—A. I cannot give the particular day or night. It was a kind of common occurrence from the time it commenced until I left the office.

By the CHAIRMAN:

Q. Did you see any liquor there?—A. I have seen liquor there; that is, I suppose it was liquor. I was asked to drink out of a bottle of liquor that was in the postmaster's private office. One of the clerks in the office asked me. This was at the time President Hayes was there on a visit. I noticed it more particularly at that time because I had seen it stated in the papers that the President requested there should not be any liquors about when he was around. I stepped into the postmaster's office; I noticed the smell of liquor; the clerk stepped out of his office and said he had just taken a drink, and asked me if I would not take one. I told him I did not use it at all. He said there was a bottle of brandy there and would I like to have some. I told him I did not use it at all. I have also seen kegs of ale brought in there. At one time, I think on a Saturday night, either ale or beer was brought in in kegs, and a large lot of dishes. I understood on the following Monday that they were to be used out of the city by the postmaster and some of his friends. The chief clerk in the office told me on Monday that he was an invited guest, and that there was a pretty rough kind of time. He had a bad mark on his forehead, he said caused by the shying of a stool.

Q. Had they a shindig, do you think?—A. He told me he was sorry he went; he got hit on the head with a stool and was sorry for it.

Q. Who was of that party?—A. I do not know anybody else, but I understood it was some arrangement of the postmaster's and that Mr. Kendall, the chief clerk, was invited.

Q. Is there any other circumstance you recall now?—A. It was general report in the office that there were many good times in the postmaster's private office evenings. I have known in the morning when I have gone there, most of the carriers' stools would be missing. When I got back to the office after breakfast, about nine o'clock, they would be brought in by the porter, and I have known large pails of slops to be brought out of there that smelt very strongly of liquor, lemon-peel floating on it, cigar stumps, and so on. At one time I think the porter brought out a large number of empty bottles and placed them under the sink in the main office.

Q. Out of the post-office building?—A. Out of the postmaster's private office. It was reported in the office by clerks who had been on during the evening, that they had had a pretty hard time there that night. I know nothing about it more than I saw.

By Mr. WHYTE:

Q. You speak of the postmaster's private office. Is that an office furnished him by the United States?—A. It is in the building; it is his private office; that is, the clerks do not use it for public business, nor do the public.

Q. But it is an office belonging to the post-office?—A. Yes, sir; it is in the building.

By the CHAIRMAN:

Q. Well, sir, is there anything else you can think of?—A. I do not know.

Q. Do you know John Burroughs? Did you ever see him about the post-office?—A. I have seen him there occasionally. I have seen the appraiser of foreign merchandise in there.

Q. Is he an active politician?—A. He has always had that reputation. I know nothing personally. I have never seen him active. He was not in any ward that I was.

Q. Was Mr. Rider a soldier?—A. Not that I know of; I never knew that he was.

By Mr. BECK:

Q. You made one statement that I wish to understand. Do I understand you to say that the mail carriers while distributing tickets for election purposes were detained so that they could not make their ordinary distribution of the mail, and that the New York mail came in and was not attended to?—A. Was not attended to by those carriers. I think there were two who did not take out any New York mail that night. Those carriers make three trips a day.

By Mr. WHYTE:

Q. Part of the mail, then, was left over?—A. That part of it at that time.

By Mr. BECK:

Q. While those tickets were being distributed for elections?—A. Yes, sir; they had their mail matter for the balance of the day and these tickets piled together for their routes, and they went out of the office just about four o'clock, just before this New York mail came in.

Q. Having been detained from one to about four getting up those tickets?—A. Yes, sir.

By Mr. CHANDLER:

Q. Were those the tickets of one party, or of all parties?—A. I cannot say how that was; I should naturally suppose they were those of the party that had the controlling power at the time.

Q. Were they stamped or unstamped?—A. The envelopes were stamped.

Q. Had they the regular postage-stamps on?—A. I think they were stamped envelopes.

Q. And, for aught you know, both parties furnished the tickets that were distributed at that time?—A. As the matter was fixed up in Mr. Brayton's office, I should not suppose and do not believe that it was for any other party than the party I belonged to at the time.

Q. Did you ever know the post-office to refuse to deliver tickets or anything else when regularly deposited in an envelope with a stamp on?—A. I never saw any tickets deposited in the post-office regularly.

Q. They were all sealed, were they not?—A. No, sir; they were fixed in the postmaster's office and the tickets put in. I helped do it.

Q. How do you know that the Democratic tickets were not sealed up and deposited for distribution the same as the Republican ones?—A. I told you that I never saw any.

Q. How do you know what was in an envelope that was sealed?—A. I do not know; I say I never saw any.

Q. Of course they would not show them to you?—A. Certainly not. You asked me if I knew about it; of course I did not, for I did not see them. If the Democratic party, or the Greenback party, or the Republican party, or any party dropped any mail matter into the bags and it came around in its regular course to me, that would be the end of it; I should not know whether it was tickets, or what it was; but in this case I did know because I assisted in fixing them.

Q. That is, you know you had certain Republican ballots to distribute, but you do not know but that you had Greenback and Democratic ballots to distribute at the same time?—A. I cannot tell by general supposition.

By Mr. BECK:

Q. But these particular tickets came from the postmaster's office, being Republican tickets which you yourself had helped to put up?—A. At that time, yes, sir.

Q. And the mail-carriers with the regular mail were detained for nearly three hours in order to distribute them, to the loss of a portion of the New York mail for that day?—A. Say from half past one to four o'clock.

Q. To the delay of at least a portion of the New York mail?—A. It delayed the distribution of the mails they already had from half past one until about four o'clock; it was a delay of that matter. The New York mail was not delivered until the next morning on their regular trip.

By Mr. CHANDLER:

Q. What time did you say they went out to deliver these tickets?—A. About four o'clock.

Q. Had the New York mail arrived when they went out?—A. I think not; the New York mail did not arrive at the office at that time generally until about ten minutes past four, and then it was assorted by the assorting clerk, and those letters brought down to me and then reassorted for the carriers.

By the CHAIRMAN:

Q. Something has been said about Republicans and Greenback and Democratic par

ties; do you think Mr. Brayton would have kept a mail bag for the Democratic party?—A. No, sir; I think Mr. Brayton is a little too strong for that. I do not think I should if I had been in his position.

Mr. A. W. Clark, who offered the following as his military record—

Boston, Dec. 17th, 1877.

Aaron W. Clark enlisted June 6th, 1861, Co. F, 2nd Reg't Rhode Island Vol. Infantry, as a private.

Promoted Aug. 21, 1861, for good conduct on field of battle (first Bull Run), to corporal.

Promoted to color-corporal in color-guard of the regiment for efficiency and close attention to his duties, especially his good deportment.

Promoted to serg't, Dec. 29, 1861.

Promoted to 1st serg't, July 21, 1862, vice West, promoted 2nd lt.

Promoted to 2nd lt, Feb'y 22, 1863.

Assigned to Co. E, M'ch 14, 1863.

Lt. Aaron W. Clark was, from date of enlistment to discharge, an A No. 1 soldier and officer in every respect.

W. B. SEARS,

Capt. Com'd'g Co. F, 2 R. I. Vols.

was examined as follows :

By the CHAIRMAN :

Question. Where do you live?—Answer. Cumberland Hill, R. I.

Q. How far from Providence?—A. Twelve miles.

Q. Were you a soldier in the Union Army during the late war?—A. I was.

Q. How long?—A. A little over three years.

Q. Were you wounded?—A. I was.

Q. Were you ever in the employment of the post-office at Providence?—A. No, sir; I was not.

Q. Were you ever mail-agent?—A. I was.

Q. Where?—A. From Providence to Worcester.

Q. Running on the railroad?—A. Yes, sir.

Q. When were you discharged from that position?—A. January 28, 1878.

Q. What means were adopted to effect your discharge, do you know?—A. It was simply for carrying out instructions from the Post-office Department; it resulted from that.

Q. At whose instance were you discharged?—A. Postmaster Brayton's.

Q. The postmaster of Providence?—A. Yes, sir.

Q. Just explain what instructions were there that you were carrying out.—A. We were instructed by the superintendent of the Railway Mail Service to report all irregularities of mail matter, and for this purpose blank slips were furnished us, on which we were to make out a report at the end of every trip and forward to his office. On one of these blank slips I reported a mail missent from Providence post-office in the column of "mails missent." This I forwarded at the end of my trip, which was eventually returned to Postmaster Brayton for an explanation. In explaining this, Postmaster Brayton stated a deliberate falsehood. From that time forward he did not scruple at all to take any steps to bring about my removal.

Q. What was the explanation? You simply reported a mail missent from the Providence post-office?—A. Yes, sir; in carrying out instructions from the superintendent's office.

Q. What means did he resort to?—A. In one case he conspired with my relief agent, J. O. Spencer, and persuaded him to make up the mails differently from the usual way, that he might report it to the superintendent of Railway Mail Service, at the same time instructing a clerk to note this change and requiring from him a statement to that effect.

Q. Instructing what clerk?—A. The clerk in the post-office receiving the mail at night.

Q. A clerk in the post-office at Providence?—A. Yes, sir.

Q. Mr. Brayton you say instructed him to do that?—A. Requested him to make a statement to that effect.

Q. Was that statement made by the clerk?—A. It was.

Q. Was it a correct statement? Just explain it, because I know nothing about the details and I do not suppose the committee do.—A. He requested the agent to make this change simply that he might have an opportunity to report it.

Mr. WHITE :

Q. As I understand you, he requested your relief agent, Spencer, to alter the mode of making up the mail?—A. Yes, sir.

By the CHAIRMAN :

Q. Was that for the purpose of entrapping you ?—A. Exactly. That was the way I understood it. It appeared so because nothing particular was gained by it.

Q. Anything else ?—A. Postmaster Brayton wrote the postmasters along the line of the road stating to them that I was the means of certain mails being delayed ; to wit, when the New York mail was delayed on account of the train not arriving in time, he would write the postmasters that I was the cause of that delay on account of neglect of duty.

Q. Was that true ?—A. It was not.

Q. How long were you in the service as route-agent ?—A. Ten years and a half.

Q. Had there been any complaint of the discharge of your duty until you made this report ?—A. None whatever.

Q. Your service had been satisfactory ?—A. It had as far as I know. I have proof of it from the postmasters, which was drawn out by a circular requesting the merits or demerits of the agents.

Q. Were any affidavits, false or otherwise, made in reference to your discharge or in reference to this matter ?—A. Yes, sir ; the postmaster finally made false charges.

Q. What postmaster ?—A. Postmaster Brayton to the department, with an attempt to sustain them with false affidavits. These affidavits were made out by Postmaster Brayton, covering that which he wished to prove against me, and the affiants were called in to sign them. They were in the main brakemen, newsboys, paper boys, on the road.

Q. They were called in by Mr. Brayton to sign them ?—A. Yes, sir.

Q. Did they sign them ?—A. They did, several of them stating that they were intimidated, frightened by the postmaster, and did not know what they were signing.

Q. What was the general nature of the charges in those affidavits ?—A. One of the charges was that I had removed mail locks from United States mails and placed them on peach barrels and sent them off into the country, delivered them at stations ; and the baggage-master on the Providence and Worcester road, George Bray, said that he had seen me place United States mail locks on peach barrels and deliver them. He also stated that he had seen crates of berries in my car.

Q. Were those charges true ?—A. They were not ; and, in rebuttal, I have in my pocket copies of affidavits made by the expressman, who stated that it was his business to look after this car and see that no matter was carried in this mail room, and that he had made it his duty to look after it. He also made an affidavit stating that he had detected this baggage-master in stealing articles of merchandise from his car.

Q. The man who made the affidavit against you ?—A. Yes, sir.

Q. You say you have that affidavit with you ?—A. I have a copy of it.

Q. How long was this effort to effect your removal going on ?—A. Some four months.

Q. And it resulted in your discharge ?—A. Finally, after an investigation of the charges against me, Special Agent Bigelow informed me and others that the charges were groundless. He stated that he did not find sufficient cause for my removal, but, owing to my reporting Postmaster Brayton publicly through the newspapers, he thought it would go against me.

Q. I understand you to say it was part of your duty to make the report by instructions from the superintendent of the Railway Mail Service ?—A. It was.

Q. Have you ever seen any irregularities in the post-office at Providence ?—A. Very frequently.

Q. State what they were.—A. Oftentimes a greater portion of the letter mail was delayed on account of the clerks being too intoxicated to make it up at the proper time.

Q. In the Providence post-office ?—A. Yes, sir.

Q. What else ?—A. I have frequently seen Postmaster Brayton intoxicated in the post-office.

Q. In the post-office building ?—A. Very frequently. I have been asked out to drink with him.

Q. Did you ever see anything else improper in there ? and, if so, state what it was.—A. I have often seen him intoxicated in his private office. On one occasion I had business with him and went to his office to borrow some stamps for the Worcester postmaster and found him unable to transact business. In his company were two fancy dressed and appearing women, both smoking.

Q. Women smoking ?—A. Yes, sir.

Q. In the post-office ?—A. In the postmaster's private room, one of them with her feet on the desk.

Q. Do you know who the women were ?—A. I do not. Postmaster Brayton requested me to drink their health in a glass of brandy. On declining, one of them remarked that I "ought to drink Charlie's health."

Q. To whom did she refer ?—A. Postmaster Brayton.

Q. One of these women ?—A. Yes, sir.

Q. Did you still decline?—A. I did.

Q. When was that, do you remember?—A. The summer of 1877.

Q. Were any charges ever made against Postmaster Brayton?—A. There were. These irregularities were so frequent during the summer of 1877 that I felt it my duty as a mail agent to report them.

Q. Did you do it?—A. Consequently I preferred charges to the Postmaster-General.

Q. Against him?—A. Against Postmaster Brayton.

Q. Were they investigated?—A. These charges were finally investigated April 2, 1878, by Special Agents Bigelow and Field—Charles Field, of Boston, and W. H. Bigelow, of Augusta, Me.

Q. What became of them?—A. Those charges were fully sustained. Postmaster Brayton obtruded himself and intimidated the witnesses, contrary to the instructions of the department for this particular case.

Q. What was the result of it? Did you ever see the report made by these men?—A. I did not. I have never seen any report; I never heard of any report being made.

Q. You say these charges were sustained. What do you mean by that—by the facts?—A. By the facts, by witnesses swearing to what had been charged.

Q. Did you testify in that investigation?—A. I did.

Q. Do you know what ever came of that investigation?—A. I have never heard anything from it since.

Q. Do you remember who else testified before those agents?—A. Yes, sir.

Q. Name some of them.—A. William A. Richardson testified, William R. Dawley testified.

Q. Were they both reputable men?—A. Yes, sir.

Q. Are they now?—A. They are.

Q. Did they testify under oath?—A. No, sir; these agents did not have the power to send for persons and papers. They claimed that the whole proceeding was a farce.

By Mr. WHITE:

Q. The agents claimed that?—A. The agents stated to me that they considered it a farce; that they had no power to send for persons and papers. During the session they requested me to meet them at the City Hotel at such an hour.

By the CHAIRMAN:

Q. Who did?—A. The special agents. I reported at the hotel at the hour required, and they were not there. After waiting two or three hours they rode up in an open hack with Postmaster Brayton, all wearing button-hole bouquets, one of them stating that he had taken them around town to show them the elephant.

Q. One of the agents?—A. Yes, sir.

Q. At the hotel?—A. Yes, sir.

Q. Were they sober?—A. Apparently they were.

Q. What was the result of that interview between yourself and those agents? Did they examine you?—A. It finally ended. The witnesses were intimidated and would not appear, as they got the impression that Postmaster Brayton would bulldoze them; which seemed to be his object. One of the witnesses made an affidavit that Postmaster Brayton came to his hotel, the Perrin House, on Washington street, in an intoxicated condition, at the time when the special agents of the Post-Office Department were there, and obtruded himself into their presence. For making this affidavit Postmaster Brayton remarked he had got him fixed and would soon have him out of there.

Q. Who was that man?—A. William A. Austin.

Q. Who was he?—A. The landlord of the Perrin House. He is probably here and will testify.

Q. Who said he had the man fixed?—A. The postmaster said he had this man fixed in making this affidavit.

Q. Austin made the affidavit?—A. Yes, sir.

Q. Did he succeed in getting him out?—A. I have learned since that he was soon taken up in business and sold out.

By Mr. BECK:

Q. After you had waited an hour or two for these gentlemen that night, and they came, what took place?—A. The investigation was considered ended, as parties who were requested to come in were not under obligations and declined coming.

By the CHAIRMAN:

Q. Nothing was done at the hotel then, I understand you, when you met the agents?—A. Not at that time. That was an adjourned session. We had met previously, and most of the testimony had been put in.

By Mr. BECK:

Q. Had they given you to understand you were to meet them there that night at a given hour for going on with the business?—A. Yes, sir.

Q. And they were two hours late, and then came as described and did nothing!—A. Yes, sir.

Q. What excuse did they give for doing nothing when they did come?—A. Postmaster Brayton had been taking them around town and showing them the elephant.

Q. That ended the business that night?—A. That ended the business and ended the investigation.

Q. Had they given you to understand before that that they would meet you there for the purpose of going on with it?—A. They had, for the purpose of continuing the investigation.

Q. Was there still other work to do and other affidavits to take, or had you farther information to give them if they had listened to it?—A. There were other witnesses who would come forward and testify, but they were intimidated by Postmaster Brayton being present.

Q. You said you were a wounded soldier. Were you discharged honorably or otherwise?—A. I was discharged by reason of the expiration of the term of service; my time was very near out.

By Mr. BECK:

Q. Was Mr. Bigelow the same agent who, with Mr. Field, of Boston, first made the investigation as to General Brayton?—A. He was.

Q. Then the same agent was sent back to investigate you?—A. He was.

Q. If he ever made a report at the time he was investigating General Brayton, you do not know it?—A. I never heard of any report whatever.

Q. He did take testimony in regard to that?—A. He did.

Q. Was he professing to be acting under authority from the Post-Office Department at Washington, and with orders to report to them?—A. He was.

Q. How long after that was it that he came to investigate you?—A. The charges against me were investigated previous to the charges made by me to the department. I was obliged to call up the case of Postmaster Brayton several times before they would act on it.

Q. Was Mr. Field, of Boston, with him when you were investigated?—A. No, sir; I was not; Mr. Bigelow came alone.

Q. The next time he came back with another agent?—A. Yes, sir.

Q. They may have made a report, of course, and you not know it?—A. They may.

Q. Where is Bigelow now?—A. His post-office address is Augusta, Me.

Q. Where is Mr. Field's?—A. Boston, Mass.

Q. You stated that you closed all other business of every sort as soon as you learned that rules were issued making it illegal?—A. I did.

Q. Since that time you have not carried on any other business?—A. I have not.

Q. And if it was wrong before that, you did not know it?—A. I did not. It was a very common thing for agents to do, as was shown before the investigation.

By Mr. WHYTE:

Q. When were you removed?—A. January 28, 1878.

General Brayton, who was in daily attendance upon the committee, introduced no evidence to contradict these grave charges, but asked leave to introduce a report made by special agents of the Post-Office Department, Bigelow and Field, which he claims vindicated him against the charge of intoxication. The report is in these words:

EXHIBIT B.—*Papers relative to the case of Charles R. Brayton, postmaster at Providence, R. I.*

Report of Special Agents W. H. Bigelow and Charles Field on charges against postmaster of Providence, R. I. Nos. 2222 and 2137.

CHARLES FIELD.

Special Agent Post-Office Department, Boston, Mass.

OFFICE OF SPECIAL AGENT POST-OFFICE DEPARTMENT,

ROOM 37 P. O. BUILDING,

Boston, April 16, 1878.

SIR: We have the honor to return case Nos. 2222 and 2137 C, and to inform you that as directed, we have visited Providence, R. I., and conferred with the parties making the inclosed affidavit; also with many of the signers to the inclosed petition relating to the charges preferred against Gen. Charles R. Brayton, postmaster of Providence.

Previous to our visit we notified the parties signing the affidavits of the time they should be present, and asked of them to meet with us for consultation as to how the

would suggest the investigation should be made. On our arrival we met Mr. A. W. Clark, who represented the parties to the affidavits, and as one of the signers to the petition he claimed to represent in part that also. In conference with him (Clark) we found that the signers of the petition had no knowledge of the allegations, except in a few cases; and that, as stated to us by him, we found upon personal inquiry that the petition had been circulated for signatures among prominent parties, who signed upon representations being made to them that if an investigation could be had and parties authorized to summon witnesses to testify under oath, all of the charges preferred in the affidavits could be proven. We informed Mr. Clark that we had no such power; that only the courts and House of Representatives had authority in such case; that we should be compelled to obtain evidence by personal inquiry, and that we should proceed to visit the parties that had signed the petition and get such facts from them as they were knowing to as being covered by the affidavits, and if he would give us the names of the parties outside of the petition that were knowing to the facts alleged, we would be pleased to call on them also. Mr. Clark then informed us that unless we could summon witnesses and place them under oath, the whole investigation would prove a farce, as it was impossible to get at the facts or to have the witnesses present unless we could compel them to attend and testify under oath; if this was not done no result could be reached that would cover the charges. We then informed him that the charges preferred in the affidavits were in such positive terms that it did seem possible to us that we could find a large number of the citizens that would be ready and willing to testify to the truth if they were not sworn, if the statement as made in the affidavits and in his letter to the committee United States Congress of February 9, 1878, in which he stated that General Brayton is a common drunkard of the very lowest kind; and, further, that the request for investigation is in behalf of thousands of the citizens of Rhode Island; that we did believe that it must be possible to find at least a number to substantiate the allegations; and that we believed it was due to Mr. Brayton, as well as ourselves, that we make the inquiry, and that we should avail ourselves of this mode of investigation. Mr. Clark then wished that we would send notices to such persons as he would give us the names of, requesting them to call upon us, these being other than those that we might think best to call upon at their places of business, and get from them such testimony as they might give relating to the case.

We then called upon General Brayton and informed him of the suggestion that had been made to us by Mr. Clark. General Brayton informed us that he was willing we should take any course that would best inform us as to all of the facts in the case; but he would like to have an open and free investigation, and would like to be present in person or with counsel and confront the witnesses; that, as we had no power to summon witnesses to testify under oath, he would make no objection to the plan submitted if we would furnish him with copies of the statements made by the parties alleged and those visited, so that he could rebut or answer in writing, and for us to accord him the same privileges granted to Mr. Clark, of calling upon parties as desired by him, he would cheerfully accept the same. With this agreement accepted by both Mr. Clark and General Brayton, we commenced the investigation.

We then prepared a form of notice to be sent to such persons as Mr. Clark suggested copy of notice and names furnished inclosed, marked "A"). Of the seventeen persons notified but seven appeared before us. Their testimony in each separate case is inclosed, marked "B." We then asked for a list of names of parties that we might all upon outside of the petitioners' parties notified or signers to the affidavits. We were furnished with ten names, and we found six of the number, the other four being not of the city. Copies of their names and the statements made by them are inclosed, marked "C."

After devoting to Mr. Clark three days in which to bring in his witnesses, he at the end of that time informed us that he would not trouble us further.

We then submitted all of the testimony to General Brayton, as agreed upon. He asked for a little time to review the same and to prepare his rebuttal. In the meantime, he desired us to make inquiry of any and all of the business men of Providence, and of the patrons of the office, as well as the petitioners for the investigation, and get all of the testimony that we could, as he wished for us to be informed in the matter in all of its bearings. We then called upon nineteen of the parties whose names appear on the petition. Of this number, we only found nine outside of those parties who signed the affidavits. All of the nine that we found stated to us that they knew nothing of the charges, only as represented to them by the parties presenting the petition. The statement of these parties is inclosed, marked "D."

We found by the statement of the petitioners that what was told to us by Mr. Clark at the beginning, that the parties signing the inclosed petition signed the same, calling for the investigation, without personal knowledge as to the charges that were covered by the affidavits, was true. We then made a general call upon a large number of the business men of Providence, all patrons of the office. The statement of fourteen of them is inclosed, marked "E."

Among the petitioners we found but four persons that testified to having seen Mr. Brayton intoxicated. These were Messrs. Clark, Richardson, and Dawley, being the persons that had made the affidavit that was inclosed with the petition and sent to Washington, and Mr. Osmond Cook, one of the signers, whose testimony is inclosed. We also found that eighteen of the persons who signed the petition could not be found in Providence, being residents of other places, or their names not appearing in the Providence Directory. Mr. W. Stone, one of the persons whose name appears, says he never signed the petition.

In making this investigation and inquiry outside of the parties that had signed the affidavits and the petition, we found the testimony from all of whom we made inquiry, which is covered by a very large number, to be universally in favor of General Brayton, and none of this large number had ever seen him intoxicated, and so expressed themselves to us.

So far as relates to the dissipation of his clerks, we find that a Mr. Richard Jackson, a clerk at the office, at times has indulged in intoxicating liquors, and has, although not often, been compelled to leave his work on that account. But from diligent inquiries made by us, no harm has been done to the service. He has not, for the last six months, indulged in ardent spirits, and we are of the opinion that if he continues to conduct himself properly, as he is a most excellent clerk, he should not be disturbed from his position.

You will find inclosed affidavits handed us by Mr. Brayton in rebuttal of the affidavits sent with the petition to Congress; also affidavits covering the testimony given before us by Mr. A. S. Arnold and Osmond Cook.

From all of the facts obtained by us in this investigation, we found that nine-tenths of all the persons visited by us, and from whom inquiry was made, never have seen Mr. Brayton intoxicated, and they believe that he makes an efficient postmaster, and that the duties are well performed by him, and that it would hardly seem possible that Mr. Brayton, holding so responsible a position as postmaster of Providence, a city of ninety thousand inhabitants, that if the statements as sworn to in the inclosed affidavits were truthful, but what we should have been able to have found a very large number of reliable persons that would have been knowing to the charges and willing to testify.

After a thorough and patient investigation, covering six days of time and making inquiry of a large number of the people of Providence and patrons of the office outside of the written testimony submitted as to the habits and efficiency of General Brayton as postmaster, we are satisfied that the charges made in the affidavit, that General Brayton is a common drunkard and inefficient as postmaster, are not proven.

Very respectfully,

W. H. BIGELOW,
CHARLES FIELD,
Special Agents Post-Office Department.

To DAVID B. PARKER,
Chief Special Agent Post-Office Department, Washington, D. C.

[Indorsement:] Respectfully referred to the honorable First Assistant Postmaster-General.

DAVID B. PARKER,
Chief Special Agent

APRIL 18, 1878.

The evidence taken by these special agents is printed in full, and will be found with the printed testimony accompanying this report.

It is not reproduced here, as it appears to have been taken *ex parte*, and in most instances not under oath.

There are some reasons to create the belief that these special agents, charged with this investigation, were in personal and party affiliation with the Providence postmaster, a person of high official rank and importance, so that a subordinate would not have a fair and equal chance for a full and impartial hearing, and therefore your committee are not disposed to attach much importance, or give much weight to evidence thus taken, or a report thus made. Nor was the examination of Mr. Field, one of these special agents, calculated to strengthen their confidence in the efficacy of such investigations.

General Brayton had it in his power to have been sworn, and to have denied these charges under oath, but this he failed to do, and the fact that he did so fail, when confronted by his accusers, is very damaging to him and gives to their statements the force of truth.

He, however, does not deny, even in the most indirect manner, the allegations that whilst he holds an office of trust and profit under the United States Government, he was an active participant in partizan politics, or that he used the government building and government employes under his control for the advancement and success of his own party; that he used the government letter-carriers to distribute Republican ballots, whereby they were compelled under his orders to neglect their proper and legitimate public duties, and that he used a room in the post-office building to prepare those ballots for distribution.

There is no defense vouchsafed for this scandalous violation of the civil service. Nor does it appear that superior authority has anywhere or at any time adopted measures to investigate and punish this notorious dereliction of public duty.

It is apprehended that this case furnishes a forcible illustration and commentary upon the civil service discipline of the government. The obscure and helpless subordinates, Richardson and Clark, who appear to have discharged their duties with fidelity and efficiency for a long term of public service, are turned out of office, whilst the high official, of great party influence, whose displeasure they seem to have incurred, is allowed to retain an office which he has used in gross violation of law and public decency. That officers and employes of the Providence custom-house interfere actively in Federal, State, county, and town elections is not denied, nor is it denied that "nepotism is a marked feature in the selection of civilians to fill the position of discharged veterans."

With reference to that portion of the petition which substantially charges that relatives of the Hon. H. B. Anthony are employed in the government offices in Rhode Island, your committee have to say that it is not warranted by the facts. The proof of political favoritism in appointments is conclusive. In order to estimate the propriety and probable influence of government officials "interfering" in politics, special attention is invited to the following testimony, which throws some light upon the *character* of the politics in which they interfere. Mr. John M. O'Rourke, a very intelligent witness, testified, among other things, as follows:

By Mr. WHEAT:

Q. Have you taken much part in politics in Rhode Island?—A. I have had something to do with them.

Q. Have you been tolerably active?—A. At times.

Q. Do you know of any instance where Federal officials have been particularly active in State politics or local politics in the State?—A. As a general thing they are pretty active in Rhode Island. I do not know particulars.

Q. Do you know anything of the use of money in this State for the purpose of carrying elections?—A. I have seen it used.

Q. Within the last four years?—A. I think I have.

Q. Largely?—A. Pretty extensively at times.

Q. What is the *modus operandi*, as far as you know, of the use of money?—A. I do not know but that I am going a little too far; you may come to something I may not want to answer.

Q. You can reserve any answer you choose.—A. I do not wish to make myself an expert in these things. I know of only one person using money, and that person I do not care to speak of.

Q. What is the largest amount you have ever known?—A. I never knew the sum total. I should think it was considerable from the amounts I have seen in certain places.

Q. How is the money used?—A. It is used in various ways. I suppose it is promised to parties and paid to them. That is about the way it is used.

Q. Paid for their votes?—A. Yes, sir; such cases have occurred.

Q. Is there any system in regard to it?—A. I suppose so from the manner in which the party that did not have the money watched the party that did have the money. They would change the system about every election, perhaps.

Q. Do you know anything of the use of checks—a system of delivering to parties checks which were redeemed by money after they had voted?—A. I have seen such things done at elections.

Q. Those checks are made of metal, are they not?—A. I never saw any of metal.

Q. What were those you have seen made of?—A. The checks I have generally seen have been paste-board, or I believe I did one time see some old faro-bank checks used, ivory checks. I have seen them made of paste-board with "soup and goose" on them. At one election they had a soup and goose ticket. There is almost every kind. Up to a few years ago they used to buy the voters openly. There was not much check business about it then. The men that had the most money bought the most votes and bought them pretty openly. There was not much hiding about it up to about 1870.

By Mr. BECK:

Q. Did you say it had been common for men to pay, until the last few years, pretty publicly?—A. Very common. It is of no use denying it; it was apparent to every child; votes had been bought and sold as free as water in the market.

Q. In a pretty tight race such as might happen for a big office, when there was some feeling about it, at what did prices generally range?—A. In 1861 and 1862 they went up pretty high at times.

Q. What do you call "pretty high"?—A. I have seen as high as \$35 paid for a colored man; I do not know how much they gave for a white one.

Q. After they quit paying so publicly, what means did you see resorted to in order to avoid its being ascertained? You spoke of checks?—A. The check system has been carried on by taking names at elections and settling with them afterwards. It has been done in various ways. It has been done by a man marching a lot of men in to vote, and then walking them a block away and handing them the money. It has been done every way they could to evade the law.

By the CHAIRMAN:

Q. Be kind enough to mention the leading Federal officials in the city of Providence?—A. I suppose the leading Federal officials at the present time are the collector of customs and the postmaster.

Q. What are the politics of the collector of customs?—A. I have supposed he was a Republican always. I never saw him vote. I do not think he would hold the office unless he was a Republican.

Q. Is he an active politician?—A. I never found him so.

Q. How about the postmaster?—A. I think the postmaster is considerable more active.

Q. More active as a politician?—A. I should think he was more active than the collector of customs.

Q. Is he active in local State politics?—A. I have seen him take an interest in State politics. He is a very good, impulsive kind of a fellow, generally says what he means, and talks it out pretty straight.

Q. Are there any other Federal officials in Providence or in Rhode Island, anywhere that you know of, who are active politicians?—A. I should say Mr. Burrows is a pretty active politician.

Q. Is he in the custom-house now?—A. Yes, sir; and there is another very good fellow there, Pomroy. He used to be quite an active politician. I do not know that he has been active since he has been in the custom-house; I have not seen much of it since then; before that he was an active politician.

Q. Is he the one who is the appraiser of foreign merchandise?—A. I think he is now.

Q. You spoke of "soup and goose" checks. What do you mean by that?—A. I do not know why they were got up; but there was a State election for representatives to the legislature when there was a ticket marked "soup and goose"—different tickets in different wards. They were handed out to certain men, and they called for something afterwards.

Q. On these "soup and goose" tickets?—A. Yes, sir.

Q. They were worth so much?—A. They called for certain amounts.

Q. And after the election they were presented for payment, am I to understand?—A. They were presented pretty soon after the man got away from the polls and went to another place near by.

Q. How were these places arranged?—A. Nothing more than the arrangement of any room. A man was to be found in the place holding the funds, and when these tickets were presented he paid for them as he would for any merchandise.

Q. You say it is not done so openly now?—A. I do not think it is; about city elections it has been pretty open, but not so very lately. Last year there was not much

opposition ; the year before it was a little more double-headed. They were going it on both sides then pretty lively, I guess. It looked so.

Mr. EDMUND E. PRENTISS sworn and examined.

By the CHAIRMAN :

Question. Do you know the Federal officials on duty in Providence, or elsewhere in Rhode Island ?—Answer. I am acquainted with the postmaster ; I was acquainted with General Shaw, the former collector of customs, and Mr. Burrows, the appraiser of merchandise.

Q. You stated a while ago that you were quite familiar with the run of politics. Are those Federal officials active ? And, if so, which of them, in State and local politics ?—A. General Brayton is quite an active politician ; in fact, he is a very active man every way.

Q. Are you a Republican ?—A. I am. I have voted the Democratic ticket on one or two occasions, but I think only twice during my time of voting.

Q. You know General Brayton ?—A. Yes, sir.

Q. You say he is an active politician in local matters ?—A. I should consider him as such.

Q. Did you ever see any money used in elections, and, if so, how and when, and in what manner, in Providence, or anywhere in Rhode Island ?—A. In the contest between Governor Sprague and Governor Padelord ; I was private secretary for Mr. Padelord during that campaign, and, in fact, took checks which were drawn by Mr. Padelord, and drew the money from the bank, nearly all of it, which was used during that campaign.

Q. How was it used ?—A. So far as my knowledge extends it was given to different men from different sections of the State who would come to headquarters. We had what was called a kind of private room. These men would state about the amount of money that was necessary for legitimate purposes, as they called it. I supposed it was properly used for such purposes. Mr. Padelord would inquire about how much was necessary, and the amount of money would be given to these men and they would give a receipt for it. In the city it was worked rather differently. Men there could come right to headquarters and get it during the day of election, and in fact during the whole time the canvass was going on.

Q. You dealt directly with the voters there ?—A. The men in Providence could come to headquarters and get the money there and then use it outside.

Q. How would they use it ; what was the plan adopted ?—A. I cannot say from my own knowledge, because I was confined principally there to headquarters ; I cannot say how the money was used outside during that campaign ; but the natural supposition was that it was used. I do not know that it was exactly to buy men, but to control their votes. That, of course, was the intention.

Q. Do you know anything about the use of checks or trap-doors in elections, or the payment of money ?—A. The year that George L. Clarke was elected mayor of the city of Providence there was quite a moneyed contest at that time. I do not know really whether I want to tell ; I do not know that I want to say much about that. I may perhaps mix myself up in it if I say a great deal.

Q. I do not think there is any danger of that.—A. Well, money was used during that campaign.

Q. What year was that ?—A. I am under the impression it was 1868 ; I am not positive. It was 1868 or 1869, I think. I would not state positively the year.

Q. Just explain how. Of course we cannot require you to criminate yourself.—A. I can only say that in the 4th ward, which I was at that time working in, we had a system of hiring men, paying them for their services as it was called. We had a building, or a portion of a building, which was probably some 300 or 400 feet away from where the voting-place was. A man was given a check ; he passed from one room which was entirely dark, so much so that a man had to be pretty well accustomed to go through it, and then passed into another room, where he placed this check through a pigeon-hole, and when he placed the check in there the money was passed out to correspond with the figures on the check.

Q. He did not see the man who paid the money, then ?—A. The man who put the check in could not really see the man himself, because the hole where he put it in was rather small, just about big enough for him to put the check through.

Q. Did you ever see any trap-door arrangements ?—A. No ; I never did.

Q. Have you heard of those ?—A. I do not know that I ever did.

Q. Do you know anything of the "soup and goose" checks ?—A. I only know from what I have heard. I know nothing personally in regard to that matter. I know that such things were done, and I believe the matter was investigated by the legislature. I am under the impression it was. I know nothing positively of my own knowledge in regard to those "soup and goose" checks. I never saw one.

Q. Coming down a little later ; how has it been in later years ?—A. There has always

been more or less money used where there has been a contest at all. Some years of course there has not been much of a contest.

Q. How about three years ago, say?—A. I think there was no contest. I think Governor Van Zandt has been governor two years; I do not know but three.

Q. I do not speak in reference to any special election, but I merely want to know in the general for the last three or four years.—A. There has been money used within three or four years; within four years certainly.

Q. Has the use of it come within your personal knowledge?—A. I never have myself used any money within that time. I have received money for services of my own.

Q. From whom?—A. I received money from General Brayton, the postmaster.

Q. For election purposes?—A. Well, for work which I had done.

Q. What kind of work?—A. I suppose you would call it political work.

Q. Did he pay you the money?—A. He did.

Q. Who was present when he paid it?—A. I cannot remember. I should think there were four or five persons in the room; there might have been more.

Q. Can you mention the names of any one or two persons?—A. Mr. Burrows, if my impression is right, and I am pretty positive I am; Mr. Burrows was present.

By Mr. BECK:

Q. Which Burrows? There were three of them in the custom-house.—A. I mean the one who is appraiser of foreign merchandise; E. G. Burrows, I believe, is his name—the one who was formerly in the clothing business, and I do not know but that he is now.

By the CHAIRMAN:

Q. Was this amount that he paid you agreed upon beforehand?—A. No, sir; there was no stipulated sum set. I was told to go to work, and I went to work. I could not say now who set me to work really. That I did not care anything about; that was not what I looked at particularly.

Q. How did he come to pay you any specified amount? Did anybody suggest any amount that he would pay you?—A. I think there was a gentleman there who told him to pay me the same as the rest had received.

Q. What did this gentleman say? Do you remember the exact language, or as nearly as possible the substance of it?—A. I think the way it happened—I am under the impression it was the last time Lippitt was elected governor, though my memory is treacherous—we had the headquarters on Custom-house street, or the entrance was on Custom-house street, opposite the custom-house building, upstairs. This gentleman asked me if I had received my pay, and I told him that Colonel Lippitt had paid me, and I was perfectly satisfied with that. He asked if I had received money from any other source. I told him I had not. Said he, "You ought to have it, and if you go with me I will see that you have it." I went with him and received my money.

Q. Who was that gentleman?—A. I do not want to tell, unless I am obliged to—unless the committee say I must. Of course, if they do, I shall be obliged to tell.

By Mr. WHYTE:

Q. Is he a public officer?—A. He is.

Q. In the custom-house?—A. No, sir.

Q. In the post-office?—A. No, sir.

Q. What branch of the service?—A. Representative in Congress.

Mr. ROLLINS. I think, in justice to all parties, we should have the name.

The CHAIRMAN. I have no objection in the world, but I had no disposition to force it.

Mr. ROLLINS. He has stated it was a Representative in Congress.

The CHAIRMAN. Do you desire his name?

Mr. ROLLINS. Certainly.

Mr. BECK. I have no objection; but a member of Congress is not a Federal officer.

Mr. WHYTE. If he was a Federal officer, I should have insisted on an answer.

Mr. ROLLINS. I think we had better have his name.

The CHAIRMAN. Very well.

The WITNESS. Mr. Aldrich, the Representative from the eastern district.

By the CHAIRMAN:

Q. Did Mr. Brayton pay you the money after Mr. Aldrich made that suggestion to him?—A. He did.

By Mr. WHYTE:

Q. Was General Brayton postmaster at that time?—A. He was.

Q. Do you know what is generally paid a head?—A. There have been different prices. I think during the Sprague canvass there was as high as \$30 or \$35 paid for voters.

Q. For one man?—A. Yes, sir; but generally the price is not so much. I think in the Clarke campaign, they paid \$10 to \$15. The price varies from \$2 up; it depends altogether on circumstances, how much they need them.

Q. That has been the general custom up to 1876, you say?—A. I am sorry to say that it has been.

By Mr. BECK:

Q. During the time you were working in your ward when you were getting the names of men who were entitled to vote, and those not entitled to vote, were you also soliciting men to come and vote on your side?—A. I endeavored to get men, for instance personal friends, men that I was acquainted with, to vote right for the party that was hiring me.

Q. And among that class of men were young men who had no politics. Was it part of your duty to solicit them to go and vote, as far as you could find out men of that class?—A. I considered it part of my duty to get all the votes I could for the party I was working for.

Q. As to that class of men you were just speaking of as hanging about, did you give them any assurance that if they would go at any day to any place they would find somebody who would be there, and they would find it all right?—A. I probably told them it would be all right.

Q. Was it not the most efficient kind of electioneering you did to have those kind of men about—men who handled money—to make it all right?—A. I probably told those men if they came up and voted, I would see that everything was all straight.

Q. And your recollection is that during that time, although you were behind the polls and did not see any money paid, you did that day see these men you had talked to hang around for a while, and then come up in squads with their ballots in their hands and vote?—A. Yes, sir.

Q. Was it after all that was done that General Brayton paid you the money?—A. Yes; it was after the election was over, I think.

By the CHAIRMAN:

Q. Have you any colored people in Providence?—A. Yes, sir.

Q. About how many?—A. You mean colored population?

Q. Yes, sir.—A. I could only say in regard to my ward. We have, I think, in the fourth ward 10 or 12 voters.

Q. Are some of them intelligent men?—A. Yes, sir; some of them are and some of them are, perhaps, not so much so; some of them are rather block-headed, but some of them are quite smart, intelligent people.

Q. Are any of them employed in the custom-house as officials?—A. I never heard of any such. I have been in the custom-house a good deal. I never saw any there. I do not know of any colored people who hold office in Rhode Island.

Q. Are there any of them in the general assembly of Rhode Island?—A. I think not.

Q. Any on the police force?—A. No, sir.

Q. Any in the post-office that you know of?—A. Not that I know of. I have never seen one about there.

Q. About how many colored voters have you in the city of Providence?—A. I cannot tell you. I only know more particularly about my own ward.

Q. Would that be an average of the city?—A. No, sir. The ward which I represent is one of the smallest wards in the city.

WILLIAM FOSTER, Jr., sworn and examined.

By the CHAIRMAN:

Question. Where do you live?—Answer. I reside in the city of Providence.

Q. How long have you lived there?—A. Nearly twenty-three years.

Q. What is your business?—A. At the present time I am connected with the charity bureau of the city, in charge of the charity building wood-yard.

Q. Have you been familiar with Providence politics for the last several years?—A. Yes, sir. I have been editor, reporter, associate editor, and policeman at intervals; connected with one paper twelve years, and with other papers at other times.

Q. Do you know anything of the action of the Federal officials in Providence in reference to elections?—A. I rather think they are pretty lively sometimes about election times.

Q. Who are they?—A. Friend Brayton, opposite, is an active politician. I do not know how far he carries his activity. Mr. Burrows, who is in the custom-house, has been an active politician.

Q. In local politics?—A. Yes, sir.

Q. State to the committee if you know that money has been used in those elections, and, if so, how, when, where, and in what manner?—A. At the State election of 1865, I think it was, but the year I am not positive about, I resided in the sixth ward. I was then connected with a paper. On my way down in the morning, or I happened

there in the forenoon, I cannot say which, I was asked if I was coming up in the afternoon. I told them I should be up about 4 o'clock. They said, "Come up; there will be lively times about." Then I went up after I got through with my duties at the office, to the ward-room and staid there the remainder of the day. A short time before the polls closed, a gentleman said to me, "You go down with Mr. —," a man who was there quite conspicuous; his name has escaped me now. I went down, knowing nothing of what was up or what was meant. There were two or three went down. The ward-room was on Summer street. I went down Summer street. He turned into a lane and went down by a store towards a barn. I asked him, "What's up?" Said he, "You'll find out." He went along to the barn, and "Well," said I, "this is funny"; but I think I remarked to him, "I guess I'll see the end of it now." We went into the barn. There was an aperture in the floor over head about six inches square. As he went into the barn, he handed me a card. Said he, "Hand that up to the hole." I handed it up to the hole and received an envelope. There were three or four others who received envelopes immediately after. I put the envelope in my pocket and went off about my business. I think I went up to the ward-room. I got home. I took the envelope and opened it, and there was a ten-dollar bill. I told my wife that somehow or other I had had a windfall; she might have that, and I gave it to my wife.

Q. Where did that envelope come from?—A. From the hay-loft. There was an aperture in the floor, and as the card was handed up, down came the envelope. Who sent it down I do not know.

Q. What was on the card?—A. It was a business card of some one in the sixth ward. I cannot recall now, after this lapse of time, everything in regard to it—names, and so forth.

Q. You say you saw other people do that?—A. Yes, sir; there were some four or five.

Q. You did not see the man who passed the envelope down?—A. No, sir; all I saw was his hand.

Q. Coming down further, have you seen any money used in elections since that time?—A. No, sir; I have never seen money used; I have seen various kinds of checks.

Q. What are those? Explain the checks.—A. Sometimes there would be a card with a mark on it. I never examined it. They would be passing around, handed out, and sometimes when I was going along I would see them.

Q. What would that check represent?—A. One check, which I recall, of a recent date, represented a bumble-bee or a honey-bee. It looked more like a bumble-bee. A bumble-bee was on the card, and "Good for 2," or "Good for 3."

Q. Two or three what?—A. They did not say what.

Q. How large was that card?—A. About as large as that (indicating).

Q. That was the bumble-bee card?—A. That was the bumble-bee card. If I had known the bumble-bee was come up I might have brought one, as I found one in the streets as I was going over to my office this spring, and I saved it as one of the curiosities of Rhode Island politics. It was one of those old cards that somebody had dropped.

Q. What other kinds were used?—A. I never saw them to make any critical examination of them.

Q. In recent years have you noticed the use of those means in elections?—A. I have seen cards flying around and then I have seen squads go off to a room and come back again. I have seen a card that was distributed marked "Good for a drink." I never had one of those. I never followed up to see whether they responded to the card or not.

By Mr. BECK:

Q. Our inquiry is to see under the civil-service orders what part the Federal officers take in all these things. You spoke of seeing Mr. Brayton, Mr. Burrows, and others pretty active in elections while holding Federal offices. In what way are they active?—A. Going around and button-holing. I do not suppose I can charge anything more than zealous activity. I do not know of anything behind. Mr. Burrows has always been a very active politician. He attends the ward-rooms and sees to checking and everything in regard to what takes place in his ward. I have not been in that ward for some little time, and do not know how active he has been recently in the ward.

Q. What do you mean by checking?—A. The checks used at elections.

CHARLES C. HEATH sworn and examined.

By the CHAIRMAN:

Q. Do you know General Brayton, the postmaster?—A. Yes, sir.

Q. State to the committee what you know about their interference in elections without any further questions.—A. If there is anything that is referred to I will answer it

willingly so far as I know. As to Mr. Brayton, I have no knowledge of his acting more than what is said in the papers.

Q. The information you get from the papers?—A. That is all I know of Colonel Brayton.

Q. Do you know of the interference of any other Federal official with local politics?—A. No more than some of them make themselves conspicuous around the polls on election days.

Q. Of late years?—A. Yes, sir; as late as 1875 and 1876.

Q. Later than that?—A. Yes, sir; in 1878 and up to the present time.

Q. You say they have been active at the polls?—A. Yes, sir.

Q. In what way?—A. They make themselves conspicuous around after voters. When men come in they approach them and have a talk with them; take them one side. On one occasion, a year ago last spring, at the seventh ward, I happened to be going to my place of business, and one man particularly was making himself conspicuous. Mr. Edward Burrows, I think, opened the polls illegally in the seventh ward.

Q. Mr. Burrows himself opened the polls?—A. He was there. They wanted to open the poll. There were not men enough. I was going by, and I was called in. There was myself, Mr. Burrows, Mr. George Nutting and his father, and one or two boys. With that number they opened the polls.

Q. How many does it require to open a poll?—A. Eight, I believe.

Q. Was he in the custom-house at that time?—A. Yes, sir.

Q. Is he still there?—A. I believe he is.

Q. Did you ever see any money used in elections; and, if so, how and when?—A. I have seen money at a number of elections, as far back as 1860 and 1861.

Q. Come towards the present time.—A. In 1875 and 1876.

Q. Did you see money used at an election in which Federal officers took an active part?—A. Yes, sir.

Q. Just explain how that was.—A. Men would congregate in the ward-room and sit there. After a spell a man would come along in the eighth ward, where I was, and he would get a brass check, about as big as your thumb nail; sometimes he would go with the check to a man named Sullivan, who kept a bar-room, and get five dollars, and sometimes go out to Olneyville. In 1876 they did not work it openly, and played off all they could. In the evening they adjourned to Iron's Hall, in Olneyville.

Q. How far from Providence?—A. About a mile from the polls; it is in the city now.

Q. What did they go there for?—A. They would go there in the evening. There were not brass checks enough, so they would take the names of men on a piece of paper, and they would pass through one dark hall into the small room, take the money, and go.

Q. Would they see the man who paid the money?—A. Yes; they would naturally see him; for he would put it right out to them.

Q. What kind of checks were these brass checks?—A. Little small pieces of brass and copper, as big as your thumb-nail; some cut square, some round.

Q. Would the squares or octagons represent the different sums?—A. No, sir; it was a regular sum—five dollars.

Q. Five dollars for each of these checks?—A. Yes, sir.

Q. Would the men get these checks after they had voted, or before?—A. Just as soon as a man went up to vote and came down by, there would be a check put in his hand; sometimes before he went up, if the man could be relied upon.

Q. You say they would go out to a place where there was a dark hall?—A. They did in 1876; in the spring election of 1876.

Q. Could you form any idea of how much money was used in that way?—A. I do not know that I could. I know in 1875 I was working there at the polls distributing tickets; there was a big pile used then at Mr. Daniel Sullivan's saloon. A man would go right in and take his five dollars and walk out openly. There was nothing secret about that more than going in there and going out.

Q. Is Sullivan's saloon in the city of Providence?—A. Yes, sir.

Q. Can you form any idea of how much was used at that time?—A. I should think from the looks of the money there must have been a thousand or two thousand dollars.

Q. In one ward?—A. Yes, sir; the eighth ward.

Q. Did you ever see a Federal officer with any money in his hand at elections?—A. I think I have; but whether they used it or not I cannot swear to.

Q. Who was that officer, do you remember?—A. I think young John Burroughs at the time was in the ward-room, and he had a ten-dollar bill. A man asked him what he was paying for votes; "That will buy a vote," shaking the ten-dollar bill. Whether they were paying that out or not I do not know. I cannot swear to it.

Q. When was that?—A. I cannot positively swear whether it was 1876 or 1875; it was one of those campaigns. I think it was before the fall election of 1876, or about the time of the fall election.

Q. He is in the custom-house, I understood you?—A. I think he is; I do not know positively.

Q. Were the men to whom they were given generally what is known as the registry voters?—A. Men registered and men of property. I know men worth a number of thousands of dollars who would make it their business to stay at the polls and get what they called "a little sugar" before they voted. That means money, you know.

Q. Men of property, worth thousands of dollars?—A. Yes, sir.

Q. Was that done to a large extent all over the city of Providence?—A. I do not know. I know it is done by a number in the eighth ward.

Q. Is the eighth ward a more corrupt ward than any other?—A. It is in some sense, as far as it is made up greatly of foreigners.

Q. And they buy these men?—A. They will sit around waiting for what they call "sugar," and they will not vote at all sometimes unless they wake up and take two dollars if they cannot get five.

Q. Describe now, as near as you can, what the general character of the work was that you saw Mr. Burroughs doing.—A. I will not say what election it was, but he had a ten-dollar bill, flirting so. [Indicating.] Somebody came in and said "What are they paying to-day?" He said "I guess ten dollars will buy almost any of them."

Q. That was young John Burroughs?—A. Yes, sir; this is John Burroughs.

Q. Who was it opened the polls?—A. That was Edwin Burrows.

Q. What general character of work have you seen him do?—A. No more than officiating around the polls.

Q. What do you mean by that?—A. Making himself conspicuous around.

Q. In what way?—A. If a man would come in whom he was acquainted with he would go up to him, talk to him, whisper to him, take him out one side and probably talk his matters over, whatever he had to say.

Q. Was that a common occurrence with him when voters came to the polls?—A. I do not know. It was only at that time that I tell you I was called there. I was going up to my place of business, and I stepped in until nine o'clock, and then I would go up to my own ward.

Q. Which was your ward?—A. The eighth ward.

Q. This occurrence did not take place at the eighth ward. What ward was it you opened?—A. The seventh ward.

Q. Could citizens of the eighth ward open the polls of the seventh ward?—A. That I cannot tell you; but I think there were one or two there that were not legal voters, quite boys, fourteen, fifteen, or sixteen years old.

Q. Did Mr. Burrows reside in the seventh ward?—A. I believe so.

Q. You did not?—A. No; I belonged to the eighth ward.

Q. And the boys were not voters at all?—A. No, sir.

Mr. Cyrus Harris, the present collector of customs, who appears to have been appointed chiefly on account of his personal or political influence to succeed General James A. Shaw, who was a highly efficient and meritorious official, produced the following circular letters and papers from the files of his office, placed there for his official guidance. The committee think it appropriate to submit them in juxtaposition to the foregoing evidence, to show in what contempt the orders of the high officials of the government are held by subordinates, and how imperfectly they are enforced:

EXECUTIVE MANSION,
Washington, June 22, 1877.

SIR: I desire to call your attention to the following paragraph in a letter addressed by me to the Secretary of the Treasury on the conduct to be observed by officers of the general government in relation to the elections:

"No officer should be required or permitted to take part in the management of political organizations, cancesses, conventions, or election campaigns. Their right to vote and to express their views on public questions, either orally or through the press, is not denied, provided it does not interfere with the discharge of their official duties. No assessment for political purposes, on officers or subordinates, should be allowed."

This rule is applicable to every department of the civil service. It should be understood by every officer of the general government that he is expected to conform his conduct to its requirements.

Very respectfully,

R. B. HAYES.

To the _____,

CIRCULAR.

[1879.—Department No. 113.—Appointment division No. —.]

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., July 3, 1879.

To collectors of customs and internal revenue, assistant treasurers, and other principal officers
of the Treasury Department:

Hereafter, when submitting nominations for appointment to subordinate positions under your direction, you will state, in addition to the other information now required, the service of the nominee in the Union Army or Navy during the rebellion.

JOHN SHERMAN,
Secretary.

TREASURY DEPARTMENT,
Washington, D. C., July 12, 1877.

To the COLLECTOR OF CUSTOMS,
Providence, Rhode Island:

SIR: I transmit herewith copies of executive order dated June 22, 1877, prohibiting officers of every department of the civil service from taking part in the management of political organizations, caucuses, conventions, or election campaigns.

You are requested to invite the attention of each employé under your supervision to the contents of this order.

Very respectfully,

R. C. McCORMICK,
Acting Secretary.

The civil service of this government will never be reformed and purified so long as those charged with its administration violate its plainest principles in appointments to office. The mere promulgation of civil-service rules and orders and regulations is a farce, whilst the officials upon whom they are intended to operate are incapable of realizing or appreciating the necessity for their enforcement, or willfully and contemptuously ignore them. The cure of the evil rests with Congress and the appointing power, and the responsibility for the condition of affairs as disclosed by the evidence fastens itself there also.

The attention and expectations of the country have become fatigued by the high-sounding *promises* of civil-service reform in administrative circles, and in turn nauseated and disgusted by the *practices* in the same circles in official appointments.

Presidential messages have been laden with carefully considered homilies upon the beauties and value of civil-service reform, with professions of a most earnest desire to improve and elevate the service by withdrawing appointments and appointees from political influences and making merit alone the passport to official preferment, and yet the Official Register bears upon its rolls the names of officials who would appropriately answer to roll-call in some reform school or public prison.

Congressional and other recommendations have in late years been almost resented as an encroachment upon and impertinent interference with executive independence and administrative responsibility, and yet we have witnessed the scandalous practice of that same appointing power, foisting into the public service bitter partisans of more than doubtful characters, as a reward for political services of the most disreputable and disgraceful kind. Of what avail are civil-service rules, prepared at great expense by an able commission after the most elaborate consideration; of what avail the promulgation of these rules, with irregular letters of instructions for the guidance of subordinate officials; of what avail the earnest co-operation of other departments of the government for the improvement and elevation of the civil service, and of what avail the recommendations and professions in annual messages to Congress, when high public functionaries, in the exercise of the ap-

pointing power—one of the gravest of public trusts—violate the law by placing known to be absolutely unworthy in civil positions of honor and trust?

These reflections are not intended to apply in their literal import to all the government officials at Providence, but they have been suggested by the disclosures which this investigation has developed in that city, and are susceptible of easy proof in other departments of the civil service.

Your committee desire to call attention to the following extract from the last annual message of the present Chief Executive of the United States:

I am convinced that if a just and adequate test of merit is enforced for admission to the public service and in making promotions, such abuses as removals without good cause and partisan and official interference with the proper exercise of the appointing power will, in large measure, disappear.

There are other administrative abuses to which the attention of Congress should be asked in this connection. Mere partisan appointments, and the constant peril of removal without cause, very naturally lead to an absorbing and mischievous political activity on the part of those thus appointed, which not only interferes with the due discharge of official duty, but is incompatible with the freedom of elections. Not without warrant, in the views of several of my predecessors in the Presidential office, and directly within the law of 1871, already cited, I endeavored, by regulation, made on the 22d day of June, 1877, to put some reasonable limits to such abuses. It may not be easy, and it may never perhaps be necessary, to define with precision the proper limit of political action on the part of Federal officers. But while their right to hold and freely express their opinions cannot be questioned, it is very plain that they should neither be allowed to devote to other subjects the time needed for the proper discharge of their official duties, nor to use the authority of their office to enforce their own opinions, or to coerce the political action of those who hold different opinions.

Reasons of justice and public policy, quite analogous to those which forbid the use of official power for the oppression of the private citizen, impose upon the government the duty of protecting its officers and agents from arbitrary exactions. In whatever aspect considered, the practice of making levies, for party purposes, upon the salaries of officers is highly demoralizing to the public service and discreditable to the country. Though an officer should be as free as any other citizen to give his own money in aid of his opinions or his party, he should also be as free as any other citizen to refuse to make such gifts. If salaries are but a fair compensation for the time and labor of the officer, it is gross injustice to levy a tax upon them. If they are made excessive in order that they may bear the tax, the excess is an indirect robbery of the public funds.

I recommend, therefore, such a revision and extension of present statutes as shall secure to those in every grade of official life or public employment the protection with which a great and enlightened Nation should guard those who are faithful in its service.

Read by the side of this evidence and in the light reflected from some executive and department appointments in the civil service, it presents a painful contrast between opinions and earnestly expressed desires on the one hand and the practicable application of principles on the other.

Your committee ask leave to submit the following bill:

[S. 1366. 46th Congress, 2d session.]

Mr. BUTLER, from the Committee on Civil Service and Retrenchment, submitted a report (No. 303), accompanied by the following bill; which was read the first and second times by unanimous consent.

A BILL to prohibit officers and employes of, and claimants against, or corporations created or aided by the United States, or contractors under the United States from contributing money for political purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall not be lawful for any person holding any office under the United States or any employé thereof to contribute or pay to any committee or person, or into any fund, any money, property, or valuable thing for any political purpose whatsoever, or to pay any assessment or percentage upon the income or emol-

ments of his office or position for any political purpose, or to give, lend, advance, or pay any money, property, or valuable thing with the intent, or with the assent, permission, or understanding that the same may be applied to or for any political purpose whatsoever, or to himself or herself apply the same to any political purpose. No head of a department or other superior officer shall himself collect, or permit or allow any other person to collect or receive, from any officer or employé in his department or under his supervision, or from any other officer or employé whatsoever, any assessment, percentage, contribution, gift, loan, or advance of any money, property, or valuable thing with the intent, understanding, or permission that the same shall or may be used for any political purpose.

SEC. 2. That no person having a contract with the United States, or any officer thereof, or who shall have had such a contract within three months previous to such payment or contribution, or who has any agreement or understanding for a contract in future, or who shall have furnished within three months, or has any agreement to furnish any supplies, materials, work, or labor to or for the use of the United States, and no person having any pending claim against the United States, or before any department or officer of the government thereof, shall pay or contribute any money, property, or valuable thing for any political purpose.

SEC. 3. That no national bank, or combination of persons, or corporation, created by Congress, and acting, or authorized to act, as a depository of the money of the United States, and no railroad, steamboat, or other corporation, either chartered by the United States, or which has received grants of lands, money, bonds, or subsidies, in any form from the United States, shall pay or contribute, directly or indirectly, any money, property, or thing of value, for any political purpose.

SEC. 4. That any person who shall violate any provision of this act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by imprisonment for a term not exceeding six months, and, in the discretion of the court, by a fine of not exceeding five thousand dollars, and on conviction shall be forever thereafter disqualified from holding any office of honor, profit, or trust under the United States. Any officer of the United States who shall violate any provision of this act shall, in addition to such imprisonment and fine, be deemed and taken to have vacated the office by him held; and any national bank, railroad company, steamboat company, or other corporation shall, in addition to the penalties hereby imposed, forfeit their charters and all right to any lands, bonds, money, or other subsidies granted to them by the United States, and it shall be the duty of each district and circuit judge of the United States at each term of his court to charge the grand jury specially to investigate all offenses under this act, and all United States attorneys shall diligently prosecute all offenses against it.

PROCEEDINGS OF, AND TESTIMONY BEFORE,

THE

COMMITTEE ON CIVIL SERVICE AND RETRENCHMENT,

UNITED STATES SENATE,

IN RELATION TO

ALLEGED VIOLATIONS IN RHODE ISLAND OF SECTIONS
1754 AND 1755 OF THE REVISED STATUTES.

1 c s

PROCEEDINGS OF COMMITTEE.

OCEAN HOUSE, NEWPORT, R. I.,
Tuesday, August 12, 1879.

The Committee on Civil Service and Retrenchment, having been empowered by resolutions of the Senate, in its investigation of the allegations contained in the memorials of J. B. Greene and others, to hold sessions at such place or places as might be deemed most convenient, was called to meet at this place at noon to-day.

Present, the chairman (Mr. Butler) and Messrs. Whyte and Rollins.

On motion of Mr. WHYTE it was

Ordered, That the committee hold its sessions at this place, and that the witnesses be subpoenaed to attend here from time to time as the chairman may direct.

On motion of Mr. WHYTE, the committee adjourned to meet at the call of the chairman.

NEWPORT, R. I., *August 12, 1879—8½ p. m.*

The committee met at 8 o'clock p. m., pursuant to call.

Present, the chairman and Messrs. Whyte, Beck, and Rollins.

On motion of Mr. WHYTE, it was

Ordered, That Senators Anthony and Burnside be notified that the committee will proceed to examine into the matters of inquiry submitted to them, on Thursday the 14th instant, at 10 o'clock, a. m., at the Ocean House, Newport.

On motion the committee adjourned to meet on Thursday, the 14th instant, at 10 o'clock, a. m.

NEWPORT, *Thursday, August 14, 1879.*

The committee met at 10 o'clock a. m., pursuant to adjournment.

Present, the chairman and Messrs. Whyte, Beck, and Rollins.

Also, Senators Anthony and Burnside.

The CHAIRMAN read the resolution of the Senate of May 29, 1879, as follows :

Resolved, That so much of the memorial of J. B. Greene and the accompanying petition of Augustus Woodbury and other honorably discharged soldiers and sailors of the United States and citizens of the State of Rhode Island as relates to the alleged violation of sections 1754 and 1755 of the Revised Statutes in relation to the appointment of wounded soldiers and sailors to civil offices, and also so much of said memorial as relates to alleged violations of civil-service reform in the State of Rhode Island, be, and the same is hereby, referred to the Committee on Civil Service and Retrenchment, with authority to send for persons and papers.

The CHAIRMAN also read the resolution of the Senate of June 18, 1879, as follows :

Resolved, That the Committee on Civil Service and Retrenchment, to whom was re-

ferred the memorial of J. B. Greene and others, of Rhode Island, in relation to the alleged violation of sections 1754 and 1755, of the Revised Statutes and the alleged violation of civil-service reform in the State of Rhode Island, have leave to sit during the recess of the Senate, with power to employ a clerk and a stenographer, to appoint a sub-committee who may hold sessions at such place or places as may be deemed most convenient for the purposes of the investigation; and that the expenses thereof be paid out of the "miscellaneous items" of the contingent fund of the Senate.

The CHAIRMAN also read the sections of the Revised Statutes referred to in the preceding resolutions, as follows:

SEC. 1754. Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty, shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

SEC. 1755. In grateful recognition of the services, sacrifices, and sufferings of persons honorably discharged from the military and naval service of the country, by reason of wounds, disease, or the expiration of terms of enlistment, it is respectfully recommended to bankers, merchants, manufacturers, mechanics, farmers, and persons engaged in industrial pursuits, to give them the preference for appointments to remunerative situations and employments.

The CHAIRMAN also read the following petition signed by Augustus Woodbury and others:

To the Senate and House of Representatives of the United States of America in Congress assembled:

We, the undersigned, honorably discharged soldiers of the Army and Navy of the United States, of the city and county of Providence, State of Rhode Island, respectfully pray and petition that your honorable bodies will, by resolve, resolution, or otherwise, instruct, or demand the President to execute, enforce, conform in letter and spirit to sections 1754 and 1755, Revised Statutes of the United States, March 3, 1865, especially in regard to appointments made for collections of customs dues at the district and port of Providence.

"SEC. 1754. Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty, shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

"SEC. 1755. In grateful recognition of the services, sacrifices, and sufferings of persons honorably discharged from the military and naval service of the country, by reason of wounds, disease, or the expiration of terms of enlistment, it is respectfully recommended to bankers, merchants, manufacturers, mechanics, farmers, and persons engaged in industrial pursuits, to give them the preference for appointments to remunerative situations and employments."

The CHAIRMAN also read the following petition, signed by J. B. Greene:

To the Senate and House of Representatives of the United States of America in Congress assembled:

I have the honor to submit a petition of the honorably discharged soldiers and sailors of the Army and Navy of the United States, residents of the city and county of Providence, State of Rhode Island. It is herein alleged that several honorably discharged soldiers have been within a short period dismissed the custom-house at the port of Providence, Rhode Island. Their places have been filled by civilians, with one exception, and mainly by the relations of Hon. H. B. Anthony. Several of these deposed veterans are and were ready to submit to a competitive examination. This privilege was denied them.

Gallant men, with dependent families, have been displaced to make room for mere striplings who were in swaddling clothes when these veterans were fighting the battles of their country; men whose sense of duty impelled them to the front in the late struggle are now forced to yield their well-earned places to men who were speculating in cotton or other merchandise during the late war. Thus the statutes have been violated, the rules of civil-service reform have been disregarded, and nepotism has been a marked feature in the selection of civilians to fill the positions of the discharged veterans. It seems to be the purpose of persons most interested to confine the Federal patronage within a limited circle, even to the prejudice of good government. For a long time the interference of Federal officers at the polls, at town, city, and State elections, has restrained men from the exercise of rights guaranteed by the Constitution. Your honorable bodies are respectfully asked to interfere in behalf of the parties aggrieved.

Subjoined is the roster of the custom-house of the port of Providence, Rhode Island, names of the civilians marked thus, X :

Cyrus Harris X	\$5,000
Edward P. Burrows X	3,000
E. C. Ashley X	1,800
Nathan Goff, jr., soldier	1,600
Robert Perkins X	1,095
George W. Pettis, soldier	1,095
Master Burrows X	1,095
J. E. Burrows, soldier	1,095
Joseph T. Read X	1,095
E. M. Arnold X	1,095
J. R. Skinner, soldier	1,095
B. C. Allen X	900
William S. Chase, soldier	1,095
—— Boatman X	500
E. C. Pomroy, soldier	1,095
Total	22,655

A glance at the above names and figures shows that the civilians far outnumber the veterans. The money paid to the civilians is twice that paid to the veterans.

RECAPITULATION.

The pay-roll of the custom-house proximates \$22,655. Of this amount about \$7,000 only is paid to the veterans, while upward of \$15,000 is paid to civilians. One of the soldiers in the above list, a relative of the senior Senator of Rhode Island, also holds a clerkship in a large mercantile house, and thus draws a double salary. Another of the list of civilians, aside from his private business, is known to be the active manager of town, city, and State elections, even to the prejudice of good government. The course of the leading Federal officers, in this respect at least, has become odious to the most respectable portion of the people. That the office of the appraiser of foreign merchandise can be dispensed with with no prejudice to the interest of the government is deemed a worthy subject for consideration of a committee from your honorable bodies. The question of proscription, the undue restraints and influence of Federal officers at the polls over the morally weak, as well as the question of the violation of the statute in civil appointments, is also deemed a worthy subject for consideration of a committee from your honorable bodies.

All of which is very respectfully submitted in behalf of the party and persons aggrieved.

By your most obedient servant,

J. B. GREENE,
127 Broad Street, Providence, Rhode Island.

P. 8.—This question is most respectfully submitted: When those who make the laws violate them or fail to conform to their provisions, is there a remedy? If so, where is it to be found?

J. B. G.

The CHAIRMAN also read the following letter, addressed by J. B. Greene to President Hayes:

WASHINGTON, D. C., May 1, 1873.

To the President, Hon. RUTHERFORD B. HAYES:

In compliance with your request and the privilege emanating from your high office, I submit in writing the subject relating to certain grievances referred to in the interview of the last inst.

That you were not aware that several war-worn veterans had been discharged from the custom-house at the port of Providence, Rhode Island, until I called your attention to the fact, is not remarkable. That this course was in direct violation of the statute, as well as a blow to civil-service reform, I need not here reiterate.

It may be here stated, however, while the pathetic appeals of Hon. H. B. Anthony were resounding in the Senate Chamber, the voices of upwards of three hundred veterans of the war from his own State were asking Congress to redress the wrongs of the same nature of which he complained, perpetrated with his knowledge, within his own district. The appeals of the friends of the veterans to save them from dismissal were unheeded. Hon. Senator Burdette was appealed to in vain. "The governor and

myself do not intend to interfere at this end of the line" was the response received by an honored citizen of Rhode Island, who was pleading in behalf of the veterans threatened with removal. All efforts in this direction seemed worse than wasted.

The collector of the port of Providence, Rhode Island, and several of his subordinates, all honorably discharged soldiers and efficient officers, have been dismissed. Their places have been filled, with one exception, by civilians, three of whom are the relatives of Hon. H. B. Anthony.

Other soldiers and worthy and efficient officers are threatened with removal. One of the veterans dismissed, Capt. H. A. Greene, was one of five brothers whose united periods of service extended upwards of seventeen years. Two of the five brothers were disabled in line of duty, one of them permanently. To his support and that of a widowed mother this officer has liberally contributed. Captain Greene placed all of his private fortune at the disposal of his country in the early part of the war. A bill is now before Congress for reimbursement. When an appeal was made in behalf of this war veteran to the man who assumes charge of the political calendar in Rhode Island, when the senior Senator is away, the answer was, "Greene is not a Republican in good standing." This deposed veteran did, however, vote for General Ambrose E. Burnside, and also for the successful candidate at the last Presidential election, whom you have the distinguished honor to be. Such men, it will be learned on inquiry, do not find favor with those who have the power to distribute public patronage in Rhode Island. Captain Greene's political creed may need revising. It is not as versatile as that of his accuser, since he never voted for a Democratic candidate in his life.

A full knowledge of the conduct of Federal officers in Rhode Island can be learned by the appointment of a fearless and trustworthy committee endowed with full powers to send for persons and papers. Then it would be discovered that political persecution is not entirely confined within the borders of our more Southern sister States. Such a committee would find that the statute relative to the appointment of honorably discharged soldiers to civil offices is violated in letter and spirit, that the question of civil-service reform is a by-word, and nepotism, the bane of all good government, prevails to an extent that its disagreeable features have become apparent.

In conclusion, I have the honor to most respectfully suggest that when the statute relative to the appointment of honorably discharged soldiers to civil positions is reasonably complied with in Rhode Island, and their present grievances and wrongs are redressed, all effort in their behalf will terminate. Mindful of the fact that the distinguished head of our powerful nation is but a servant of the people, pleased with the reflection that a humble citizen has sovereign rights,

I have the honor to remain, your obedient servant,

J. B. GREENE.

These papers having been read,

The CHAIRMAN said: Gentlemen, this is the case submitted to us by the Senate, as far as I understand it. Perhaps it is due to Senator Anthony to say that I have received a communication from him, which I will read:

NEWPORT, August 13, 1879.

SIR: In the memorial of J. B. Greene, which has been referred to your committee, it is stated that the new appointments of the collector of the port of Providence have been filled "mainly by the relatives of Hon. H. B. Anthony." I request that you will examine into this allegation, and make report on its truth or falsehood.

With great respect, your obedient servant,

H. B. ANTHONY.

Hon. M. C. BUTLER,

Chairman of Senate Committee on Civil Service and Retrenchment.

Gentlemen, you have the case before you as far as I am able to give it. What step is now proposed?

Mr. WHYTE. I suppose we had better examine Dr. Greene if he is here.

Mr. BECK. That would seem to be the natural order.

Mr. ROLLINS. I think so.

The CHAIRMAN. That being the sense of the committee, we shall proceed with the taking of testimony.

TESTIMONY.

JEROME B. GREENE sworn and examined.

By the CHAIRMAN :

Question. Where do you reside ?—Answer. In Providence, R. I.

Q. How long have you been living there ?—A. I came there in 1859 ; was absent during the war.

Q. Of what State are you a native ?—A. Massachusetts ; that is, I was one of a family of eleven born in Massachusetts. Our family lived in Massachusetts about six months. During that time I was born.

Q. What is your profession or calling ?—A. The practice of medicine and surgery. My sign says, "J. B. Greene, physician and surgery."

Q. Were you a soldier in the late war ?—A. I served as a medical officer pretty much during the whole war.

Q. In what capacity ?—A. I served as acting assistant surgeon in the United States Army, and as full assistant surgeon of the Fifth Rhode Island and as full surgeon of the Fifth Rhode Island. I was mustered out as major of the Fifth Rhode Island June 28, 1865, by reason of expiration of term of service. I entered the Fifth Rhode Island about May 28, 1863.

Q. Are you personally acquainted with Cyrus Harris ?—A. I was introduced to him a few days ago. I never knew him until within a week by sight. I had seen the gentleman, and I knew there was a Cyrus Harris, but I did not know that gentleman, whom I had frequently seen on the street, was Cyrus Harris until the first of this week.

Q. Do you know Edward G. Burrows ?—A. Yes, sir.

Q. E. C. Ashley ?—A. Yes, sir.

Q. Nathan Goff, jr. ?—A. Very well.

Q. Robert Purkis ?—A. Yes, sir.

Q. George W. Pettis ?—A. Yes, sir.

Q. Master Burrows ?—A. I have been introduced to him. I do not know his first name. He is a young man, and that is why he is put down as "Master" in my memorial.

Q. J. E. Burroughs ?—A. Yes, sir.

Q. Joseph T. Read ?—A. Not very well. I have seen him.

Q. E. M. Arnold ?—A. Only by reputation.

Q. J. R. Skinner ?—A. Very well. I have known him from boyhood.

Q. B. C. Allen ?—A. I have seen him ; been introduced to him.

Q. William S. Chace ?—A. Yes, sir ; I know him very well.

Q. ——— Boatman ?—A. I do not know him.

Q. E. C. Pomroy ?—A. Very well.

Q. Does it come within your knowledge whether Mr. Cyrus Harris was a soldier in the late war or not ?—A. I have been credibly informed that he was not.

Q. What is your information about Edward G. Burrows ?—A. That he is a civilian ; that he is a dealer in ready-made clothing and holds a position in the custom-house.

Q. E. C. Ashley ?—A. He is a gentleman who has been there. He is

deputy collector, I think, and clerk. He has been there great many years; a very worthy man.

Q. Was he soldier or civilian?—A. Civilian.

Q. Never in the Army?—A. Never, to my knowledge.

Q. Nathan Goff, jr.?—A. He was soldier during the late war; brevetted for gallantry and received a wound in the service; mustered out one or two years after the close of the war; honorably discharged.

Q. What was his brevet?—A. Brevet brigadier-general.

Q. Of volunteers?—A. Yes, sir.

Q. As to Robert Purkis, was he a civilian or a soldier?—A. A civilian so far as I know. I never heard that he served in the Army. If he did I have been misinformed.

Q. George W. Pettis?—A. A soldier. He was a captain in the Second California Volunteers; served faithfully, was honorably discharged.

Q. As to Master Burrows, do you know anything of his service?—A. He was in swaddling clothes when these fellows were fighting the battles of the country. I should judge he was. He is a young man now who cannot be over twenty-five years of age.

Q. J. E. Burroughs, do you know of him? He is marked as a soldier?—A. He was a soldier. He lost one thumb. He served gallantly so far as I know. I have always thought that he did, and I have heard that he did. I know nothing officially about it. It is generally understood that he did.

Q. As to Joseph T. Read, do you know whether he was a soldier or civilian?—A. He was a civilian and politician, and holds two positions, or did at the time of the petition. He is employed as a lamp-lighter and connected with the lamp department at Pawtucket, so I am credibly informed. I shall have to bring witnesses to substantiate that. That list was made up in Washington, you will allow me to state, from memory. I had no notes and nothing to go by.

Q. I only want to get at the information you have about it. You say that Joseph T. Read was what?—A. He was in the lamp department, and has been active as a politician, and it is credibly reported that he was promoted for political services rendered to the party.

Q. When was he appointed?—A. After the appointment of Cyrus Harris, a cousin of Henry B. Anthony.

Q. When was Cyrus Harris appointed?—A. Some time in March last, last spring. That is the best of my knowledge and belief. There may be some little discrepancy.

Q. As to E. M. Arnold, do you know whether he was a soldier or civilian?—A. I think he is a civilian; I am not certain.

Q. J. R. Skinner?—A. He was a soldier; lost one eye in the war; was wounded; a worthy fellow, so far as I know, and I believe he is pensioned. I have known him from boyhood.

Q. As to B. C. Allen, do you know anything of his service?—A. He is a civilian, as I understand. He is the party referred to as being a nephew of the Hon. Senator H. B. Anthony. He is a brother-in-law or some connection of Cyrus Harris, a cousin of the Senator.

Q. As to William S. Chace, do you know about his service?—A. I know him very well. He is a wounded soldier; draws a pension, I think. He was wounded in the face.

Q. Do you know Boatman?—A. No, sir.

Q. As to E. C. Pomroy, was he soldier or civilian?—A. A soldier and wounded; so I am informed. Major Pomroy he is called.

Q. In your communication to the Senate, you state that "It is herein alleged that several honorably discharged soldiers have been within a

short period dismissed the custom-house at the port of Providence, R. I. Their places have been filled by civilians with one exception, and mainly by the relations of Hon. H. B. Anthony." State to the committee the facts about the dismissal of honorably discharged soldiers from the custom-house.—A. Bucklin was dismissed, so far as he informed me. Major Joyce was virtually dismissed, so far as he informs me. Capt. H. A. Greene, my own brother, was peremptorily dismissed I know, because I saw him when he came out and said he had been, and I saw his letter. That, so far as relates to the dismissals, covers all. The one deposed, I refer to further on, is James Shaw, jr., deposed by reason of expiration of term of service. He was collector; he was a soldier.

Q. When was Shaw displaced or when did his term of service expire, do you know?—A. His term of service expired on the 10th of March, but he was peremptorily ordered to vacate the office, as his successor had been appointed and he left the office ten days before the expiration of his term of service. His four years would have expired about the 10th, so I am informed by the general himself.

Q. March of what year?—A. This last March, if it was March. It may have been May, or it may have been January, but my impression is it was March. I cannot be certain as to dates.

Q. Who was James Shaw?—A. He was a member of one of the oldest families in the State. His father was General Shaw of the militia. For a great many years he served in the militia. He served in the Army more or less. What his record is I have no means of knowing, but he was brevetted brigadier-general. He commanded colored troops. He was rather enthusiastic as to the quality, and justice and propriety of placing colored troops in the field, and he commanded them, showed that he was willing to work up to what he believed. He took charge of a colored regiment and was brevetted some time either just before or just after the war as brevet brigadier-general of the United States Volunteers, I think. He holds the brevet and he is called General Shaw. It is generally understood he was brevetted. I never saw the order; never saw any of his commissions.

Q. Do you know or does it come within your knowledge that he was an honorably discharged soldier?—A. It never was questioned, to my knowledge. He was elected as a provisional commander of the Grand Army of the Republic on its first organization, and I served under him as the surgeon of that department on the first organization of that order; and I was the chief medical officer on his staff; he could not have belonged to that order if he had not been an honorably discharged soldier, because the rules and regulations of the order forbid any but honorably discharged soldiers belonging to it.

By Mr. BECK:

Q. When was that organization formed?—A. That organization was formed, I should say, in 1867, in Providence, or it may have been a year later. General Logan was the father of it, if I recollect aright. It was about 1867 that General Shaw joined the order and became its district commander, so called. It is now called "the department of Rhode Island." At that time it was called "the district of Rhode Island," and it was divided into two districts, and General Shaw was commander of the district in and about Providence, and I was appointed his chief medical officer, and that is why I know something about him. It was just at the time that General Sheridan came to Providence, because I was appointed on that occasion as chief of his staff.

Q. State the offices of those who were dismissed.—A. Shaw was collector of the port of Providence; H. A. Greene was, I think, inspector, so called; Bucklin was inspector. He may have been a weigher or ganger, but I think they all go under the one term of inspector or deputy inspector. Greene's salary was \$1,095; Bucklin's, I think, was \$1,095. Joyce, it was understood, was threatened with dismissal, and had the privilege of resigning, and he resigned; but he felt as though he was persecuted and dismissed. He got all the importers of the port of Providence to establish his character as an efficient officer, and the names who indorsed him accompany this memorial. I do not know as to the details. I supposed at one time he was dismissed; I have learned since that he sent in his resignation.

Q. Were these four all soldiers?—A. Shaw and Greene and Joyce and Bucklin were soldiers; and there is one I have not enumerated who was dismissed a little while before, Frankland, who was a soldier. I did not get him in; but whether he was dismissed by Harris or Shaw, I do not know. Some went out under the rules of retrenchment, and some of the friends of special parties that were discharged because they proposed to retrench were put in again over his head. Who those were, precisely, and what were the particulars, would have to be a matter of inquiry. I should not want to state definitely in reference to it; but Frankland was an honorably discharged soldier. He is out. He had the promise that he should stay in, so he told me personally.

By the CHAIRMAN:

Q. What was Joyce's rank?—A. Major; promoted for gallantry in the field.

Q. Was Bucklin a private soldier?—A. He was called "Major Bucklin." He was a gallant fellow; no question as to his gallantry as a soldier.

Q. What was Greene's rank?—A. He was captain. He had received a commission as lieutenant-colonel if he would stay in New Mexico, but he proposed to come here where he could do some active fighting. He enlisted in California and came across into New Mexico, served his three years, and his duties were mainly as a soldier in that department, though there were some engagements with the Confederates—Texans. He was noted chiefly, as you will see in the recommendations, for the great amount of stock he captured from the Indians; thousands of head of cattle; 2,600 at one time, 3,000 at another. That was his style of service in the mountains, capturing cattle from the Indians who made raids on the ranches of the Mexicans and people living on that border. They were placed there mainly to defend the line of the Rio Grande. I presume, and he was recommended for his gallantry and efficient services for promotion, received his commission, but returned it because he proposed to come east here where he could see some service that he wanted to see. He came and went into Hancock's corps, was examined at Washington, and was made captain in Hancock's Corps of Veterans, which were organized because they were veterans; and for the service that was expected of them you might call them, I suppose, a crack organization. That was the organization he joined latterly.

By Mr. ROLLINS:

Q. Where did he serve after he became a member of this Veterans Corps?—A. He served on Hancock's corps to the close of the war, but precisely where I do not know. He was retained and placed in charge of Fort Hamilton after the close of the war, and at the barracks at Elmira prior to that, and was one of the last of the volunteer officers.

mustered out. He was mustered out at Fort Hamilton, New York, in 1866 or 1867, some two years after he entered the corps, having remained in a year after the war closed.

Q. Did he enter the Veteran Reserve Corps before the close of the war?—A. Yes, sir.

Q. Where did he go first?—A. He went into the Valley of the Shenandoah. He was at Winchester.

Q. At what time?—A. Before the close of the war, in 1864. He enlisted in 1861, and served three years, and came home, and only remained home a little while before he entered that corps, and the war lasted a year after he entered it, or thereabouts.

By the CHAIRMAN:

Q. Who has taken his place in the Providence custom-house?—A. Only one wounded soldier has been promoted or appointed by these displacements of Cyrus Harris, or the two Senators who are here, whichever way it came; I do not know who the head is; evidently Cyrus Harris has discharged these men, and the only soldier that has been re-appointed is Major Pomroy, who is reported to have been honorably discharged; I know nothing of it myself. There are rumors to the contrary, but I know nothing of it. He is a wounded soldier so far as I know. He draws a pension.

Q. You do not know who has been put in Captain Greene's place?—A. Whether Pomroy has been put in that place or not I do not know exactly, but I understood he was put in his place because, as they bandied it from one to the other, he occupying two positions, they said that was the only place where he could keep one eye down the river on the coal and one on the customs office.

Q. You say Major Pomroy has two positions?—A. Yes, sir; the company that he works for told me they were ready to swear to it, or words to that effect, that he held a position in the coal office and he was appointed to Greene's place. I only know what the company has hinted to me that he did hold those positions and he would state so, if I remember correctly about it. I do not think there will be any question about it.

Q. Do you know how much of his time he spends with the coal company? Does that come within your knowledge?—A. Only so far as hearsay. He spends most of the time there. Evidence can be produced to show that he has, up to this investigation, spent the larger part of his time with the coal company. The appointment is simply a sinecure to a great extent. How far the other duties of Greene were transferred to other men so as to allow that, I know nothing of only by report.

By Mr. ROLLINS:

Q. Is Captain Greene a disabled soldier?—A. No, sir; not in any respect. He is a man who served his three years and gave his whole money—a little fortune—to the raising of a regiment, and has not been repaid.

Q. Was Captain Greene "honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty"?—A. He was honorably discharged for the reason that his services were no longer required, he having served a year beyond the close of the war.

Q. I will repeat the question: Was Captain Greene "honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty"?—A. No, sir.

Q. Was either Bucklin or Joyce "honorably discharged by reason of

disability resulting from wounds or sickness incurred in the line of duty?"—A. They will have to answer that for themselves. I do not know.

By the CHAIRMAN:

Q. You do not know who took Bucklin's place?—A. I should say Read, the civilian, did. That was my impression. They would interchange around so that you could not say who took his place. They can say Major Pomroy took Greene's place so as to make it appear that a wounded soldier took the place of a non-wounded soldier; but that is simply distorting the facts. The facts are that a civilian took the place, and soldiers and wounded soldiers were not promoted as the statute required, but civilians were placed over them. Goff is a wounded soldier, and he was deputy collector. He petitioned and had a respectable class of the importers; the larger proportion of them recommended his promotion as a wounded soldier and for meritorious services and his efficiency as deputy collector, being deemed the best man to fill Shaw's place if Shaw must go; but Cyrus Harris, a civilian, was placed over him, and Shaw was deposed; and Goff remains where he was, in a subordinate position, in violation of the civil-service rules. They can say that Greene's place was filled by Major Pomroy. Those positions are all about one and the same thing, and they can place this one that way, and that one this way; any way they choose. The fact is, in my opinion, that Pomroy does not discharge the duties that Greene discharged. They have only put him against them so as to be able to make that disparaging presentation to Greene that he does not come within the statute. That is simply matter of opinion on my part. Those positions are such that one can fulfill the other.

By Mr. ROLLINS:

Q. Was Mr. Pomroy, who was appointed to take Captain Greene's place "honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty?"—A. I do not know. There are grave rumors to the contrary, but he is reputed to be—

Q. Do you know of any soldier or any person who has been discharged or removed from the custom-house at Providence who was "honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty?"—A. No, in the custom-house proper. There may be for aught I know. I do not know whether Major Bucklin was wounded or not. I do not know whether Major Joyce was wounded or not.

Q. It is not within your personal knowledge that any such person has been removed or dismissed?—A. No, sir; and I did not deem it a pertinent subject for inquiry.

By THE CHAIRMAN:

Q. You state in your memorial or communication to Congress referring to the soldiers: "Their places have been filled by civilians with one exception, and mainly by the relations of Hon. H. B. Anthony." State what facts you know in reference to that. Inasmuch as Mr. Anthony has requested us to inquire into the truth or falsity of that charge, I wish you would state what you know about it.—A. I could not swear to it more than I could as to the paternity of children. I know by general reputation that Cyrus Harris is his cousin. He did not even deny it in the Senate. He said he was a kinsman.

Q. We only want to ascertain what you know about it.—A. I suppose

Harris is his cousin; that Harris's clerk, or an employé appointed by him, is his son-in-law.

Q. Whose son-in-law?—A. Harris's.

Q. What is his name?—A. Allen, I think; he bears some relation to Harris; and Pomroy is a son-in-law of a cousin of Henry B. Anthony, Charles Anthony, the former collector. This is as I understand it, and that is the basis of my statement relative to nepotism. I want to be understood that I so base the declaration that nepotism prevails to an extent, so far as the custom-house is concerned, but I would like the privilege of stating that nepotism is not confined to the custom-house. I am disposed to present the thing just as I understand it, and let it rest on its own merits. When I wrote that (which I did without a due regard to a Congressional inquiry), I stated that, but in my own mind I had reference to other Federal officers within the city of Providence, which I can substantiate any time; but so far as the custom-house is concerned I have Pomroy the soldier, and Allen the civilian, and Harris the civilian as directly or indirectly kinsmen of the Hon. H. B. Anthony. That is what I meant there precisely.

Q. As we are on this subject of nepotism, state what you know in reference to any other Federal positions in Providence.—A. The postmaster has his cousin or sister and his father in office.

By Mr. BECK:

Q. Who is the postmaster?—A. The gentleman here prompting questions to Mr. Rollins, Charles R. Brayton.

Mr. ROLLINS. I submit that is not proper.

The CHAIRMAN to the witness. Mr. Rollins complains somewhat of your want of courtesy in suggesting that General Brayton is propounding questions to him, and I think you had better refrain from that. Just state what comes within your knowledge as to nepotism on the part of the postmaster.

The WITNESS. So far as I have stated, his father and his sister are in the office, and I am told others. That is all I know. I have no direct proof anyway, only it is generally understood; it is the common talk that the Brayton family are generally provided for and have held positions in some shape or another for generations. That is common rumor. How much truth there is in it would have to be drawn out by evidence.

Q. (By the CHAIRMAN.) To whom do you refer in your statement that "gallant men, with dependent families, have been displaced to make room for mere striplings, who were in swaddling clothes when these veterans were fighting the battles of their country"?—A. I refer to Captain Henry A. Greene and Major Joyce.

Q. To whom do you refer as being "in swaddling clothes"?—A. I refer to Master Burrows. I meant no disrespect when that was written. I meant to designate him as the younger of the Burrowses. He should not be designated "master." He is the younger of the Burrowses. He was a former clerk of Cyrus Harris, and a young man. He was in swaddling clothes when these gentlemen were fighting the battles of the Union. I particularly referred to young Burrows, not that he is a boy now, but that he was at that time. He is a man of some means now, I understand.

Q. Here is another reference I should be glad to have you explain: "Men whose sense of duty impelled them to the front in the late struggle are now forced to yield their well-earned places to men who were speculating in cotton or other merchandise during the late war." Do you desire to make any explanation of that?—A. I mean to say that

Harris was a merchant, and he belonged to a large and respectable manufacturing firm in the State of Rhode Island. He was a dealer in his line of business. I had in my mind, though it is vaguely referred to, reference to the dealer in ready-made clothing, who is the inspector of foreign merchandise, a man who is a dealer in ready-made clothing at the present time, and who is appraiser of foreign merchandise.

Q. Who is that?—A. That is Ed. G. Burrows. He is appraiser of foreign merchandise. He was not a soldier.

Q. Here is another declaration which I wish you to make any explanation of that you desire: "It seems to be the purpose of persons most interested to confine the Federal patronage within a limited circle, even to the prejudice of good government." What fact is there that you base that upon, or do you simply state it as matter of opinion?—A. I can make statements and substantiate those statements by evidence. What I had in my mind was the fact that the patronage of the State is generally awarded for political services, and gentlemen who do not stoop to petty party politics are not in favor with "the powers that be"; and it is the custom of the parties occupying Federal positions to interfere in local elections—State elections and Federal elections—which I can prove. As an example, the appraiser of foreign merchandise and the postmaster of the city of Providence were both down here during the election of the Speaker, and had their candidates, and worked just like any politicians, as though they were not under the pay of the government.

Q. Do you mean at Newport?—A. Down at Newport, during the last May election. They boast that that is what they do; and men who will not stoop to that are not in favor with "the powers that be" in Providence. A man must be willing to be assessed and be an active ward politician and be useful in that direction, or he is deposed generally. That has been the case of all those who have been deposed; with one or two exceptions they are men who would not stoop to party politics and do what is termed dirty work in politics, and they place men in position who are noted and deemed capable in that direction and retain those civilians who are noted in that direction. That I state on certain knowledge; but in order to prove it directly, I should have to bring in other testimony, which I will do, if desired, to show that they were down here during the last May election, very active; had candidates for justices of the peace, had candidates for mayor, had candidates for town offices, had candidates to be postmasters of the towns; dictated generally as to who should occupy the Federal positions.

Q. State again who those Federal officials are who do that?—A. Charles R. Brayton and Ned Burrows, the appraiser of merchandise. They are generally considered the party leaders of what we term "the ring," "the powers that be," the gentlemen who hold the Federal positions and have the distribution of the public patronage in the State. It will be discovered on inquiry that those men who were turned out were men who were not in that ring, were not in special favor, and do not work in that direction, but rather became disgusted at the one man power, if you please so to call it, and proposed to make a change and have a democratic or republican form of government justified by the Constitution and worked honestly and consistently and conscientiously, but they have no favor generally as being considered worthy of holding any Federal position.

By Mr. BECK:

Q. State whether the three Burrows are related to each other, and, if so, in what way?—A. I do not know that they are related at all. It is

simply a coincidence of names so far as I know. Those names were not put down on the supposition that they were relatives. I do not know that they are; I do not know that they are not; but I should judge they are not.

By the CHAIRMAN:

Q. Is there anything you desire to state in regard to restraining men from the exercise of their rights under the Constitution?—A. These gentlemen are interested in canvassing the State, and money has been largely used on previous occasions in elections, city, State, and Federal. That “restraining influence” I simply mean is money where it is necessary except in cases where men are threatened with removal, or it is intimated they will be removed from Federal positions or their employment in manufactories; that is what I refer to. I refer to the Federal officers engaging in and generally leading the party in that direction; and whenever it is necessary to use money, they have more or less the handling of it, make the assessments, and dispose of it. Sometimes they act as paymasters, saying how much parties shall have for doing a certain amount of work.

Q. Do the Federal officers do that?—A. I have evidence to that end; whether it is beyond what is called legitimate I do not know. I can say that they have been disbursers of money for political purposes. We have in Rhode Island what is called the use of money for legitimate purposes; that is, paying the taxes that the persons themselves are not capable of paying. On account of our restricted suffrage, there is a registration tax to pay, and a man cannot vote unless that is paid. The gentlemen present holding positions can inform you more directly on that. We have never had an officer elected to State or United States position but what money has been more or less used, and they will probably not deny it. They are familiar with the details. I can present evidence here to show more particularly how it is used; but just precisely how and how much is used, I have no means of knowing. Generally where money is used, it is by the benchmen or workers of Federal officers. At the present time the management of the State politics is in the hands of Federal officers; it is generally so understood, and I presume they will not deny it. They could be asked about that. I would take their word for it if they were put under oath.

Q. Is there any fact within your knowledge or upon information of any money that has been used by Federal officers; in other words, can you give us any specifications?—A. I can state what a witness told me he would swear to.

Q. You have a right to state what information you have.—A. I asked a gentlemen whom I knew to be active in the politics of the State—had been formerly—how much he knew that he could swear to as to the use of money. He stated that he knew something about it, but did not care about being subpoenaed. I told him I thought no harm would come to him; that I would not wish him to jeopardize his position if he thought swearing would jeopardize his position which he held, but if he could do it conscientiously and knew any facts that were worth stating I should like to know them. He stated that during a certain election he worked for a certain person, and after he got through he went down to the post-office to get his pay, and when he demanded the sum stipulated as he understood, there was an objection to paying that amount, and a party interested, not a gentleman who was looking for office, but a party manager, not a Federal officer either, said, “Pay it to him; what do you want to bother with him for? Pay him just the

same as you do the rest." Said I, "Did he pay you?" He said he did. "Will you swear to that?" He said, "I will, but I do not want to make myself notorious by telling such things. Everybody knows that money is used, and I do not wish to make myself obnoxious to my friends by swearing about it."

Q. Whom do you mean by "this person" when you say he paid it?—

A. I mean the postmaster; he said the postmaster.

Q. He referred to the postmaster as having paid that money on the remonstrance of the other party?—A. Yes; the other party said, "Brayton, pay it over to him; pay him just as you paid the rest." I would not say that was not legitimate; I do not know whether it was or not. I say he handled the funds, and he does not deny that he handled the funds for legitimate purposes. I would not say that he handled them for any other purpose.

By Mr. ROLLINS:

Q. Who was your informant?—A. If you insist on it I will bring him here. I would not like to give the name of the gentleman. I can give it if you insist on it, or I will have him subpoenaed.

Q. Of course we want to know the name of your informant.—A. We have what is termed bulldozing here and they would bulldoze him if he was to tell it.

Mr. ROLLINS. I submit, Mr. Chairman, that is not an answer to my question.

The WITNESS. I feel delicate about telling it. I shall tell if it is insisted upon. Otherwise I shall insist on not telling.

Mr. BECK. I think it is fair that the witness should have the right to consult the man first and either bring him or give the name.

The WITNESS. I will bring him before the members of the committee privately.

Mr. ROLLINS. I do not think he ought to be allowed to give such testimony without stating the name of the informant.

Mr. BECK. He is speaking from information now, as I understand. You ask him for the name of a particular man.

Mr. ROLLINS. He undertakes to swear, Mr. Chairman, as to what another party has stated to him. All I have asked is the name of that party.

The CHAIRMAN. I do not know any rules of evidence that can compel him to give the name if he declines peremptorily to do it. So far as I am concerned I have not the slightest objection to the name being stated; but the witness may have reasons which I know nothing about why he would prefer not to do it. He says that he will have the party subpoenaed if we choose to call him.

The WITNESS. I will bring him before the committee.

Mr. ROLLINS. Suppose, then, his testimony on this point be withheld until the party is produced. That would be fair.

Mr. BECK. Mr. Chairman, I want to say this: We are here now hunting for information about all these matters; here is a witness who is giving us information, and while he is giving that information he is interrupted by an inquiry requiring him to tell the name of the man who told him a certain thing. He says he would rather not give the name without consulting the man, but will have him summoned. He has some hesitation about it. He says they are bulldozing men here. I know nothing about Rhode Island bulldozing; I do not know what it is; but when he says "I will give the name of the man at the proper time with his consent, or I will bring him here," it seems to me that is all

that he ought to be required to do. At present if he objects to giving the name himself, we ought not to attempt to coerce him in advance. I do not know for what purpose the name is wanted now; but we will summon the man.

Mr. ROLLINS. It is a matter of justice to the parties implicated.

Mr. BECK. Who is implicated?

Mr. ROLLINS. He swears that the postmaster has paid money.

Mr. BECK. He says he will bring that man here, or will give his name before we get through after consulting the man himself.

Mr. ROLLINS. The evidence has gone in, and it is but a matter of justice in my judgment to Mr. Brayton especially that the name of this witness's informant should be given.

Mr. BECK. For what legitimate purpose could Mr. Brayton use it, let me ask you before the man can be brought here himself? Mr. Brayton certainly does not want to see him in advance and keep him from coming. He does not want to bulldoze him. He would surely give the man a chance to come voluntarily as he offers to come.

The WITNESS. I think he would come if he was summoned.

Mr. ROLLINS. If the party is to be brought here and put under oath, that will probably be sufficient.

Mr. WHYTE. If this witness does not give the name, and we summon the party and he should state the name afterwards, Mr. Brayton can respond to it.

Mr. ROLLINS. That will be satisfactory.

The CHAIRMAN. The examination will proceed.

By Mr. WHYTE:

Q. Do you know anything in regard to the removal of Major Joyce, who was recommended by a large number of the merchants of Providence, whose recommendation is on file?—A. I know what Joyce told me himself about it, and whether that embraces all there is to be known in the whole case I do not know. If you will allow me, I know what I know by his telling me and others telling me.

Q. What is the character of the knowledge?—A. It was understood when Cyrus Harris was placed in, that the soldier element had got to go, those who were formerly soldiers, and civilians were to take their places. I have heard the remark, repeated on one occasion at least, by a gentleman who now holds a position there, a civilian, who has been there a long time and a friend of the present administration, "That this soldier business is played out, it has gone far enough," as much as to say, "We do not want any more soldiers here, we are going to have civilians." I have heard it stated on competent authority (I can bring the witness here who stated it) "it is only a matter of time; they have got to go," "they" meaning the soldiers. It seemed to be generally understood who were to go; and in this connection it may be stated that those "who had got to go" were gentlemen who were not friendly to the present political administration, so to speak, and that those gentlemen embraced soldiers who voted for Ambrose E. Burnside and were working against the election of Nathan F. Dixon. And when the time came when Mr. Harris was placed there, it was understood that these changes were to take place, and Major Joyce, among the rest, thought if he had got to go he would rather have the privilege of resigning than to be dismissed for any such reason, because he was a man with a family and he hated to have a stigma placed upon him by being discharged. So they granted him the privilege of a month or two months resignation. I will be precise about

that; it may have been six weeks. It was not less than a month, and not over three months. During my pilgrimage or visit to Washington there was some little feeling stirred up about this matter, somebody acted a champion for the soldier and said it was a shame and disgrace for those who had served their country to be displaced after that manner by civilians, as it was reported, and they got up a little feeling about it, and Major Joyce thought that perhaps after all he would not have to go, but understanding that the order was peremptory, that his resignation would be insisted on if he did not get out, he got up this petition of all the importers of the city of Providence, signed as on file here, asking that he might be retained. Notwithstanding that, he was not retained. He appealed to the Hon. Ambrose E. Burnside, who is present here, and he repeated to me conversations that he had with him. General Burnside stated that he would appear in his behalf, but there were certain objections to his remaining which the present collector had. I asked him what those objections were. He stated what those objections were. I told the Hon. Ambrose E. Burnside I did not see why they should make objection on that ground, when the same objections could be raised against the highest officials in the State, as long as he discharged his duty faithfully, when others were repeatedly notoriously doing what he was accused of; but I was not aware he had done these things. Major Joyce told me these things, and he told me from time to time his appeals to Hon. Ambrose E. Burnside. He stated that he had written several letters to him, but received no answers. He appealed to Rev. Augustus Woodbury to write to Ambrose E. Burnside in his behalf. The Rev. Augustus Woodbury said he got no responses. So Major Joyce told me. Major Joyce told me himself that he got no responses from Hon. Ambrose E. Burnside, appealing to be retained. Then a feeling came up that there was going to be somebody to champion the cause of the soldier. In spite of all the appeals to the honorable Senator and the petition of all the importers as to Joyce's capacity as an officer, which is signed and here on file, Major Joyce was removed, or rather they insisted that he should get out. If he did not, they would put him out, or words to that effect. The long and short of it was that he got out. He did not want to get out, and all the importers wanted him in there, as they stated in their petition. That is about all I know about Major Joyce.

Q. Where is he now?—A. Major Joyce is in Providence, and subpoenaed. He will be here to tell his own story, I presume. I may not have told it precisely, as it is a matter of memory with me, but generally correct, I should think.

By Mr. BECK:

Q. I see in your letter to the President, read this morning, you seem to have acted in compliance with a request. "To honorable Rutherford B. Hayes" your letter is addressed; how did you come to make the statement, "In compliance with your request" I do this?—A. I shall have to commence a little back, but I will be as brief as I can. I was the messenger with the memorial. The language of the memorial was a little peremptory; that is, that they should demand the President to execute the law. I felt as though the President was the proper person to execute the law, and redress might be obtained as to removals through him instead of appealing to the Senate, as the memorialists requested me to do, and it is directed to the Senate. On my own responsibility, although some of the petitioners did not want me to bother with the President, I felt as if I should go at it thoroughly; it struck me as a

serious matter as to the violation of a statute in putting out soldiers and putting in civilians; I felt as though it would be best that the President know all about the matter, having believed that some communication had been sent to the President in reference to the matter. I went to him on my own responsibility. After I had been present about 10 or 15 minutes talking over other matters generally I stated the object of my mission, when he practically asked me what I came for—not in so many words, but he said, “You don’t come to Washington often.” Said I, “No, sir; I have not been here since the war.” Whatever he then said I do not remember, but it was as much as to say, “You are here now on some business.” I told him I was here to present the memorial of discharged soldiers relative to removals in the custom-house.” “What! have there been removals? I was not aware of it.” Knowing that he had the appointing power, it struck me as a little singular, that there should be such important removals, and knowing what I had previously, that there had been some communication to him asking that they be not made, I thought it a little singular he should not know there had been removals. I told him there had been, and I had a remonstrance from 300 soldiers, more or less, as to them. He was a little touched, seemingly, that I should present it to Congress in this way. He felt evidently that he was the proper authority to present that grievance to. Our relations had been at least pleasant, but not intimate. I felt a little awkward, too, that I had a memorial presenting it to Congress, and he having the power to rectify it if he would, and I had no authority to give it to him. I hesitated a moment, and he evidently saw the awkward position in which I was placed and said, “Dr. Greene, I cannot answer the personal complaint of every one unless it is submitted in writing. If you will submit the grievance in writing, Dr. Greene, and submit it under your own signature, I will have it inquired into, and I desire you to explicitly understand, if the grievance complained of exists, the wrong shall be rectified.” The result was this: That was the day of my arrival; that was the first of May; that letter was commenced the 1st of May; it was mainly concocted before I got back to my boarding-house; it was very hot and I sat down; it was the 5th of May before I gave it to him, because I had a copy for myself, a copy for the President, and a copy for the Senate; then after I presented that to him I realized that the position would be awkward if I should proceed to the Senate at once with the memorial. At the same time I reasoned in this wise: I present that memorial as a messenger of the aggrieved parties, and present that letter under my own signature according to his request. Upon consideration I thought it would be difficult for the public to separate Dr. J. B. Greene the memorialist and Dr. J. B. Greene the individual; so I said “I must wait; it is not respectful to the President to proceed immediately; but I have submitted this to him, and I will wait a respectable time to give the President a chance to act.” In the mean time he asked me virtually why I did not submit it to him. I told him I supposed it was because similar matters, matters relating to similar cases referred to him, had not been disposed of satisfactorily to the parties interested. That was the reason I did not give it to him. Then, when the awkward position came in, I felt a little embarrassed, and he helped me out by stating that I might present the case under my own signature; then I waited till the 28th of May for his action; I visited him once or twice in the mean time and his private secretary, giving such papers as I received from home relative to this matter of Major Joyce and Captain Greene, giving duplicates all around, making them myself, and hence the delays and the difference

between the date and the presentation, because I was my own secretary and chairman, and did all the work myself personally. It took a good while to make duplicates. About the 28th of May I called upon him after having placed other papers in his hands, asked him what had been done. He said he had referred it to an agent and it would be inquired into, and stated in fact that he had received some other papers complaining of the same things which had been placed in the same hands, and I could rest assured that it would be inquired into, and if the grievance existed as stated redress would follow. Disrespectful or otherwise, I had no confidence that redress would follow. I returned immediately to tell Senator McDonald that I was ready to proceed. He had a lawsuit in Indianapolis, and hence there was some delay, and thus arose the remark that was uttered in reference to my being ready. Senator McDonald knew very well that I was only waiting out of respect to President Hayes, to the President of the United States, the office I must be respectful to it; and I waited patiently his action. When he told me he had referred it to a special agent, as we had had some special agents down in Rhode Island, the result of whose investigations was totally unsatisfactory, I had no faith that the agent, whomsoever he might send, would bring about anything satisfactory to the aggrieved parties, and hence I went to the Senate just as I was directed to do first by the signers of the petition.

By the CHAIRMAN:

Q. Had any agents been sent here before?—A. Agents had been sent here to inquire into the irregularities of the post-office, and had been totally unsatisfactory to the parties who made the complaint, and the language is respectful, it was generally understood the whole thing had been whitewashed. That you may fully understand this I will state that when this committee was coming here I was asked repeatedly, day by day, "Is this going to be a whitewashing committee?" and "Will they whitewash?" It was generally understood that that other investigation relative to the post-office was a whitewashing affair. There is evidence to show that they were a whitewashing party, and the names are down, and they will be sent for to be investigated to see whether they did make a report, and if they did, why it was never made public.

By Mr. BECK:

Q. What do you allude to now; the custom-house or the post-office?—A. I am alluding now to the post-office particularly, showing why I had no faith in the agent that the President proposed to send for the custom-house matter, because the work of the agent who had been sent for the post-office was unsatisfactory. I am explaining why I had no faith in the President's promise to send an agent. I had faith that he would send him, but I had no faith that the agent would do any work that would be satisfactory to the parties aggrieved.

Q. Some agent had been sent before this in some other matter?—A. Yes, sir.

Q. When?—A. Within a year or two.

Q. Who was the post-office agent?—A. I have the names.

Q. Let us have them.—A. The names given me were Field, of Boston, and Bigelow, of Maine. Not to confound matters, I simply want to state that my action in going to the Senate, because I had no faith that anything would be done elsewhere, arose from the fact that I was aware agents had been sent and nothing was accomplished in that direction; and hence I proceeded to the Senate. If another agent was to be sent as the President stated there was to be, that would not

satisfactory. I wanted a committee authorized to send for persons and papers; to inquire patiently and truthfully into all the charges made, and let the truth be known; and I did not believe that an agent, whoever he might be, would do such work as was required to be done by the signers of the memorial and a great many very respectable persons. Hence I proceeded to Congress to get such a committee as would make a proper and diligent inquiry.

Q. And therefore you laid the facts in a double form—one before the Senate, and the other, at the request of the President, in writing before him?—A. Yes, sir; patiently awaiting the action of the other, and I published them, too. I published them about the same time, that the public might know, that the parties aggrieved might know, that the parties interested might know just what the situation was and what I had to say. I wished to conceal nothing.

By the CHAIRMAN:

Q. Did I understand you to say that the President said he did not know that General Shaw had been removed? Did he mention General Shaw's name, or speak generally?—A. When I told him that I came with a petition remonstrating against certain removals in the custom-house at the port of Providence, he said, "Have there been removals there? I was not aware of it." That was the language then. I said "Yes, sir."

Q. Had General Shaw been removed anterior to that time?—A. Yes, sir.

Q. And Mr. Cyrus Harris appointed?—A. Yes, sir; and Greene had been removed and Joyce was about to be removed, and Bucklin had been removed, and Frankland had been removed, and all these civilians had been placed in.

By Mr. ROLLINS:

Q. Was Shaw really removed from office, or did his term expire?—A. His term expired.

Q. Then he was not removed?—A. His term expired.

By the CHAIRMAN:

Q. Perhaps I was at fault. His term had expired anterior to that time?—A. I qualified that precisely by stating that I understood his term was about to expire, but practically you might say he was removed, because they came in and demanded the office and all pertaining to it before his term had expired. General Shaw can state that. I do not know myself about it.

By Mr. ROLLINS:

Q. Do you know how long he had been in office?—A. If he had been in until his term expired, it would have been eight years.

Q. Is it not a fact that he had been in actually more than eight years?—A. I do not know. You will have to make the inquiry of him.

By the CHAIRMAN:

Q. Had not General Shaw been an acceptable collector of the port?—A. Most acceptable, and he prided himself on the fact that he was conforming to civil-service rules, and he had faith that he would not be removed. He had no idea that he would be, as I understand. It was a surprise to him when he was relieved. His friends advised him to take some action, lest he should be removed, as it was generally understood he was going to be, but he had faith that he would remain.

Q. Do you mean that he had notice that he would not be reappoint-

ed?—A. He had no notice, but there were rumors that he would not be reappointed. I mean that all the time, whatever language I use.

Q. There had been no complaint against General Shaw as an officer of the government in the discharge of his duties, I understand you?—A. I understand he served most acceptably. I believe he did, and it is not denied.

Q. Does it come within your knowledge that certain civil-service regulations were from time to time issued and promulgated by the Secretary of the Treasury?—A. I frequently heard of them through my brother and through a gentleman connected with the office that it was the custom of General Shaw when he received such circulars to place them around on the desks of the different gentlemen occupying his department; and, if not by word, by act, intimating that those civil-service rules were to be complied with in his office. He did not desire any of his employés, those under him, to take any active part in politics. If they did it, they would do it under their own responsibility. He did not expect it of them, but he expected the civil-service rules to be reasonably complied with. He placed those circulars within their reach of knowledge, and called his employés' attention to them.

By Mr. BECK:

Q. State anything further that you know.—A. When I returned from the President I said to Senator McDonald that I was now ready, that is, I was ready for the Senate to proceed, because I had no faith that the agent's work would be satisfactory to the petitioners or to the people generally. I gave the petition to him. He understood that meant "Go ahead, bring it before the Senate." In a few days after his return I waited till his return from Indianapolis, he brought the matter up in the Senate, and a debate followed; there was objection that the honorable Senator was not in his seat and it should not be pressed. That objection was made by Senator Edmunds. The Congressional Record shows the fact. Senator McDonald withdrew the resolution, or action was suspended till Senator Anthony returned. When Senator Anthony returned the next day the resolution was offered. During that day, or the next day, the Hon. Senator Ambrose E. Burnside got up in the Senate and stated that he wished to say a word, and he stated in effect that he had seen the memorialist and I virtually would withdraw that if he would give a place to my brother and proceed no further with it. I wish to say that no such conversation ever occurred between myself and Ambrose E. Burnside. He also stated in effect that he had a letter which virtually made the same statement. Ambrose E. Burnside never had a letter of mine of that character. I made no such statement to him and I have demanded through the public prints that he should produce the letter, if he had one, and I would like to request now of Hon. Ambrose E. Burnside if he has any such letter from me to present it, for I never gave it to him.

Q. That is getting away altogether from the point.—A. It continued till the resolution was passed, and that, so far, ended the matter. The resolution was passed, and the question was divided, and hence the Wallace committee and the Butler committee, as you understand. It was debated for two or three days, and finally the result was that the Wallace committee came here, and your honorable body which is now sitting. That is so far as the memorial is concerned and what relates to its presentation.

Q. You speak in this memorial of political persecution in the State of Rhode Island. I want to know as definitely as possible what you mean

by political persecution in the State of Rhode Island. In what form are men persecuted, if at all?—A. If you read a little further it will be a little more intelligible, and I will tell precisely what I meant when I penned that paragraph.

Q. You go on to say that the rules of civil-service reform have been disregarded and nepotism prevails, and so on. I want to get some specific fact if you know any.—A. When it was understood that Capt. Henry A. Greene was to be discharged, or deposed, or put out, or got rid of, whatever term you may use, his friends interceded in his behalf, and the question was to whom should they appeal that he might remain. He was a man of family, and who expended his money in the service. He had served honorably and was past middle age and without means, and it was desirable on the part of his friends—they thought so—that he should remain. The question was who had the power to keep him. A letter was written by parties interested in him, personal friends, to the Hon. Ambrose E. Burnside, asking that he might be retained. The response came back that Greene need have no uneasiness about being removed. "Tell him to rest easy; however, the governor and myself" (meaning Senator Anthony) "have concluded not to interfere at this end of the line," virtually giving him the promise that he should be retained, and closing up with a sort of doubtful declaration that they had nothing to do with it, that it would be left with the parties at home. The question then came up again, the honorable Senators were eliminated from the parties who were to be appealed to, who had the power to keep him in. And then the question came who should be next. The persons named were Postmaster Brayton and George W. Danielson, the managing editor of the Providence Journal. As the friends of Captain Greene thought perhaps it would be better to appeal to Mr. Danielson, of the Journal, a personal application was made to him asking about the matter, telling him of Captain Greene's service, and the service of the family, and the expenditure of his private funds, and his needs, and so on, stating that the person would like to have him retained as a personal favor. The impression he got was that he would be retained; he need not give himself any uneasiness, but he got no positive assurance that he could rest on. He gave Greene encouragement that it was all right, but to make it doubly sure he called on Mr. Danielson again, and his manner at that time seemed totally changed, and the language was that was brought back to Captain Greene, "What have you been doing, Greene? Danielson does not seem agreeable to you." "Well," Greene said, "what did he say?" "He said, when I urged that he should assure me that Greene should not be removed, that Greene was not a Republican in good standing; he voted against Mayor Doyle." He was so positive about it that this friend came back to Captain Greene and told him it was all day with him; he might as well look for other employment; he did not think he would stay there long. The next day but one he was discharged. That is what I mean by persecution; that is what I had in my mind when I wrote that paragraph; that is the particular case in which I could present the facts. I have the gentleman. He don't like to come because he does not like to put himself in antagonism with gentleman with whom he is connected. He is friendly to Mr. Danielson, he is friendly to Senator Anthony, and friendly to Senator Burnside. He interceded in behalf of my brother, he was not successful, and he does not want to tell anything which is prejudicial to their friendship, but he is subpoenaed, and I suppose he will come here and tell his story and Captain Greene will tell his story. It will be substantially about what I have stated.

Q. What was the extent of the action taken by the postmaster and the custom-house officers at Providence, in regard to elections held here at Newport, of which you spoke a little while ago; in what form did they interfere?—A. I should say by lobbying, whether with money or without, or a little of both, I am not able to state.

Q. How much of their time was spent here at Newport at those elections?—A. Three or four days, I suppose.

Q. Was the legislature in session at the time?—A. Yes, sir; they came down here to inaugurate the new governor.

Q. What elections were pending then before the legislature?—A. The election of a speaker and a justice of the peace, or some such office as that. It was generally understood that the postmaster was defeated in the speakership because of the little agitation that was brought about by what was going on at Washington and the feeling among the public generally, disgusted with that action; but he succeeded in electing his clerk to the justice's court. That is hearsay. The speaker himself attributes his election to the present situation, the agitation in the public mind, and the postmaster himself considers that he was defeated because of that, I suppose.

Q. The civil-service rules you referred to are the orders President Hayes put out in regard to officials interfering with elections, I suppose?—A. Yes, sir; that is what I referred to.

Q. What about assessments on public officers, money being collected from them for political purposes? What do you know on that subject?—A. The gentlemen here will testify, I suppose.

Q. What is your information?—A. My information is that they have been assessed, that the present collector has been assessed, that the present Representatives have been assessed. There is not any doubt of it in my mind. I should not suppose they could be elected if they were not assessed. I am speaking about money, whether for legitimate purposes or otherwise. I do not suppose there can be a person elected as a Representative to Congress, or a Senator to Congress, or a governor of the State unless he uses money.

Q. I am speaking of assessments collected from Federal officials to be used in political campaigns; do you know anything about that?—A. They state that they have been assessed, and some have answered and some have not.

Q. Do you know anything about assessments?—A. Officers who have been assessed will be on the stand. I prefer that they should tell. I do not come here with that complaint. I do not feel any worse than other parties. Let some other people tell what they know about such matters. They are assessed, money is used, and no person can be elected in Rhode Island unless he does use money, and it has been so ever since my memory. It may be legitimate or illegitimate, I do not propose to make any distinction; money is used and it has been used to a large extent; sometimes \$100,000 have been used.

Q. Used in what way?—A. Go along late in the afternoon, when a governor is to be elected, for instance, or a United States Senator. We elect our United States Senators by electing members to the legislature. The question is between two members of the legislature. It gets along late in the afternoon. The question arises who is ahead. The figures are usually kept. The party with the money usually watches them pretty close; and when the thing stands a little doubtful they give a man anywhere from a dollar to five or ten dollars to vote their side of the house. That is what I mean. It is supposed the persons who furnish it are the persons interested in the election. That cannot be de-

nied. Of course it is difficult to name the man, and the time, and all about it, because they are very sly about it. I have a check in my pocket now, such as they use. They give a man a check with a ballot sometimes. When he votes he passes in the metallic check and pockets his money. The money is not seen. A man goes behind the screen. He is told to pass behind that screen. He passes around that way, and somebody puts a \$5 bill in his hand. Sometimes they will have a square hole cut in the ceiling, and a sort of aperture where he puts in his check; it goes up, and down comes one dollar, five, or ten, as the case may be. He does not see the man who pays it out. You cannot prove anything directly; but I have seen men who have seen that sort of thing done, and engaged in it. I never voted in my life in the State of Rhode Island.

Q. You can vote?—A. I can, but I do not want to engage in any such farce. The last two or three years it has been a little more agreeable, because it is a foregone conclusion who is to be elected, and nobody interferes. It is all one way the past four years.

Q. Do you understand that Federal officers are assessed to furnish money to be used for campaign purposes of the character you speak of; that the postmaster has to pay, and the collector has to pay, and the employes in the custom-house have to pay?—A. It is pretty difficult to tell when it goes into the political pot what it goes out for. I do not know.

Q. But it is, however, assessed for some political purpose to go into some political pot. Is that your information?—A. Yes, sir; I believe so.

By Mr. ROLLINS:

Q. Have you any means of knowing it?—A. When men have shown me the checks and said they got the money for them, or I have seen those who got checks, I think I know it. The postmaster himself has stated within twenty-four hours that he had a quart of those checks that had been used.

Q. Of the assessments?—A. No, not assessments. I know they have told me they have been assessed and some refused to be assessed.

By Mr. BECK:

Q. About to what extent are they assessed?—A. I think to be a United States Senator a fellow would get off cheap at \$10,000.

Mr. BECK. That is two years' salary.

By the CHAIRMAN:

Q. Do you mean it would cost that to be elected?—A. He would have very little show to be elected unless he had about that amount.

By Mr. BECK:

Q. Take the postmaster at Providence. What is his annual salary?—A. \$4,000, I suppose.

Q. Are officers of that sort assessed and custom-house officers whose salary is \$3,000?—A. I should prefer those gentlemen to tell themselves. They know all about it. At one time it cost \$40,000 to elect a governor, and in the language of the Hon. William Sprague, who was on the stand before the Wallace Committee as to certain other matters, he stated indirectly that as to the government, the question of suffrage, and the demoralizing influences on the people, it resulted in there being money value to votes, and in Rhode Island the central power was money, and it is generally acknowledged that it is to that extent that people do not think it is a great wrong. Since 1876 they have not gone into that. The Republican members of the Wallace committee all the

time confined that matter to the vote of 1876, because there has been very little fraud since 1876. Witnesses would say "if you will let me go back of that, I will give you heaps of it." Since 1876 there has been very little.

Q. What is the general character of the little checks you speak of? Is it a promise to pay so much money, or that the bearer is entitled to so much?—A. Each year it has its peculiar mark on it. It is a little check cut out of metal usually. It might be the shape of this (indicating) one year, in the shape of a diamond another year. As those are cut out of metal, stamped, and are only put right into the market on the day of election, it is difficult to forge them to make them useful. There is a stamp on them; the man who has that knows it is good for one dollar, or five dollars, as the case may be.

Q. Is there a stamp indicating the amount he is entitled to?—A. No: it is the form or shape of the check that indicates it.

Q. And that he passes around a corner, or lets down from above, or disposes of in some other way, and gets the money?—A. Yes, sir; I have the whole testimony of a former investigation which tells the whole story. I am telling nothing but what is public.

Q. It is all news to me.—A. I have a pamphlet showing an account of that. I am not telling what is not generally known in reference to such matters. More recently the elections have been conducted more honorably. There is no doubt of that. Previously money was always used.

Q. What is the extent of your voting population here?—A. I do not look after the details. I should say 28,000. The postmaster could tell you better than I could. I think the last Representatives received, one 7,000 and the other 10,000 votes—somewhere about that. The largest vote ever cast in the State was something like 28,000.

Q. Do you say that in a voting population of from 20,000 to 28,000 there has been as high as \$100,000 spent for the election of officials in this State?—A. Yes, sir.

Senator ANTHONY. The highest actual vote has been 26,000. There is a possible vote of about 42,000.

Mr. BECK. I see in the Congressional Directory in the first district about 7,500 votes were cast, and in the second about 10,000 at the last Congressional election.

By the CHAIRMAN:

Q. You spoke of some charges having been made against the postmaster at Providence?—A. There are witnesses here, I suppose, as to them. I cannot speak as to them.

Q. Have you not heard what they were.—A. Yes, sir.

Q. State what you have heard.—A. I do not wish to be the general repository of that kind of thing. I have no objection to telling it. I am not intimidated, and the gentleman tells me I can state.

Q. Go on, then.—A. I should prefer that some other witness tell that.

Q. Very well, sir; I shall not insist on it.

By Mr. ROLLINS:

Q. Can you produce the original memorial now?—A. No, sir.

Q. Where is it?—A. At Providence.

Q. In whose custody?—A. I do not know. I can get it.

Q. You say you do not know in whose custody it is, and still you can get it?—A. Yes, sir.

Q. Do you know where it is?—A. It is in Providence. I am not trying to be captious about it. I know it may be within certain parties'

hands, one of three or four. You will allow me to state that as it was expected it would be asked for at this examination I requested a gentleman to put it in the hands of one of two or three parties to have it copied. You will understand that the heading of the memorial was put on to a dozen papers and those were all separate, and then they were all pasted together, and it made an awkward, dirty sheet. This memorial I took, the other the postmaster took; another, General Shaw took; another, another gentleman, and then they all brought them in and they were in a pile similar to this (indicating), all with the same heading, but one with a dozen names, one with twenty names, and so on. They had not been placed in regular order, pasted together, and they were placed in the hands of this person.

Q. Whom do you mean by "this person"?—A. The clerk who copied them.

Q. What is his name?—A. I do not know his name. I know just where he works, and know him when I see him, but cannot call his name.

Q. You say that this original memorial is in the hands of one of two or three parties in Providence?—A. Yes, sir.

Q. Will you state who those three parties are?—A. I do not know the name of one of them.

Q. Give us the names of all you do know.—A. It may be in Henry Greene's possession, but I think it is doubtful. I think it is in the possession of the clerk who copied the names.

Q. Is Henry A. Greene one of the parties?—A. Yes, sir.

Q. Give us the name of any other that you know.—A. I limit it to those two.

Q. Who is the other?—A. He is on Aborn street. I can go right to his place.

Q. Then the memorial is in the custody of Henry A. Greene, or some other person whose name you do not know?—A. I know his name, but I am very, very deficient in remembering names. I might not remember your name in twenty-four hours, though I should never forget your face. I cannot recall the name; I will get it.

Q. Now be kind enough to inform the committee why you copied this memorial and did not present the original paper to the Senate of the United States?—A. For the simple reason that a batch of papers that was carried around by an agent, or a memorialist, so to speak, and sent on to Washington to make a complaint about the post-office, got back into the postmaster's hands before the fellow who carried it did, and I did not propose to trust them.

Q. Trust them with whom?—A. With anybody.

Q. Do you mean to say that you were not willing to trust the original papers in the custody of the Senate of the United States?—A. I mean to say directly, so I shall not be misunderstood, that in view of the experience with other memorials or such papers at Congress, I had not confidence enough to trust the original in anybody's hands whom I did not know. The gentlemen of the committee I do not wish to cast any reflection upon, but sometimes it gets into the committee room. I knew that friends knew all about the memorial, and the editor of the Providence Journal said he was advised of the full contents of it long before I presented it. I saw it in the paper to that effect. He acknowledged in his own paper that he knew all about it, and I supposed he would. I suppose a draft was made of the copy, and when they attempted to make a draft of it they discovered it was not the original. Hence the demand at Washington for the original. Senator McDonald asked me

to present the original; asked me where it was. I told him the original was at home, but this was the true copy vouched for by myself under the seal of the State; that there was certainly one name on it that was genuine, and that was mine, and it was going to be there all the time; and one person had the right of petition, and that was myself. He said, "Yes, sir; it takes two to form a conspiracy, but one person has the right to petition; all right, Dr. Greene." Not that I doubted any honorable Senator, but you have other men, gentlemen, in the Capitol besides Senators. All Senators may be honorable men, but you have other persons there besides Senators or Representatives. You know more about it than I do. I know very little about it. I know I did not mean that the original should go there, and it did not go; but you can see it, sir; I will trust it in your hands.

Q. Did you distrust the Senators or the officers of the Senate?—A. I should not propose to question anybody. I did not propose to leave it in any man's hands. I cannot say more.

Q. Do you know who has the custody of papers that are submitted to the Senate of the United States?—A. I know who got hold of some papers that were carried on there intended to make a petition.

Q. Be kind enough to answer the question. Do you know who has the custody of papers when presented to the Senate?—A. I did not inquire; I did not inquire as to details.

Q. Are they not in the custody of officers of the Senate?—A. Who are the officers of the Senate in the custody of?

Q. I am not on the stand.

The CHAIRMAN (to the witness). Answer the questions as they are put to you.

The WITNESS. I do not know; I cannot designate who they are. I presume they are proper persons, honest and upright.

Q. (By Mr. ROLLINS.) What I wanted to find out was, whom you were suspicious of, the Senators or officers of the Senate?—A. I do not desire to be disrespectful, but when a person is suspicious he does not know whom he is suspicious of. Having had the experience I have had, and knowing what I have known, I proposed to leave the original at home; meant to do it and did do it.

Q. What reason did you assign at Washington for withholding the original?—A. I never assigned any reason that I am aware of, only Senator McDonald said, "The gentlemen interested may want to see the original." Said he, "I do not doubt but what those names are all there," seemingly having confidence in myself, and I, in turn, had confidence in him. He said as much; but in view of all the facts of previous experience of parties boasting they had the papers of the persons aggrieved in their hands before the man got home who carried them, I did not propose to get in any such dilemma. I proposed to carry my petition there and carry through my project and keep my own secrets.

Q. Perhaps, in justice to the Senate, I ought to ask if you ever lost any papers that you had previously submitted to the Senate?—A. I never did any business before the United States Senate. My experience was with other men, my experience growing out or in connection with other persons who went to Washington. I knew their say-so. They did not go to the Senate; these petitions were not memorials to the Senate. They were certain petitions that were placed in other hands than the Senate, certain certificates as to character and the condition of things. I do not wish to reflect on the Senate, because those papers were not submitted to the Senate. It was a general distrust and following out the old adage, "if you want to do anything, do it yourself."

Q. Has there been any interpolation, interlineation, change, or transposition of names, &c., in this memorial since it was signed by the Rev. Augustus Woodbury and other parties?—A. In one sense there has been; in another sense not. I know just how it was. You remember that I said papers were circulated all under one general head, and I would get half a dozen names and other gentlemen more. There were several petitions, and they were all brought together. The memorial that the Rev. Augustus Woodbury signed was one, and his name was at the head of that. When they brought all these papers together they put his at the head, not at my suggestion, but at the suggestion of the clerk who regulated it, knowing by word that the Rev. Augustus Woodbury felt displeased at the course taken in the custom-house. He gladly signed it, and said he only regretted it would do no good. We thought if he was so much interested as that in signing it, in view of his eminence and character, his name had better be placed at the head, and hence his name was placed at the head; not taken from the middle of a number of names, but his was actually at the head of one list. More than that I know nothing about the interchanging of names.

Q. You have not fully answered the question yet.—A. There has been no change in the body of the memorial. You mean the wording?

Q. I do.—A. No, sir; there has been no change. It was rather considered loud Saxon, and it was put up that way, and remained that way all the time.

Q. No words were added?—A. No, sir; and none taken away.

Q. And no change whatever made in the body of the memorial?—A. No, sir; none in the text.

Q. The parties signing it, you say, read the memorial?—A. I did not see one that did not. I got about forty names. I got two classes. For instance, I got most of the lawyers and physicians and the colored people.

Q. Were these original petitions—the headings—preserved just as they were signed? Have you them now?—A. I think so. They were intended to be. There was but one way about it. I do not know but that I have a fragment of a petition now. That will be a pretty good test if you will allow me to get it. It is one of those that have not been pasted on.

Q. I understood you to state that no one of the employes of the custom-house who were honorably discharged from the military or naval service by reason of sickness or wounds incurred in the line of duty had been removed or dismissed therefrom to your knowledge?—A. I do not know.

Q. You do not know of any one?—A. No. I know of a man who has been dismissed from the post-office who was wounded.

Q. I am asking about the custom-house now.—A. I do not think of any one; but there may be. General Shaw, who is here, can state more about it. I do not know particularly. There are gentlemen here who are competent to judge. I am not familiar with the details of it.

Q. It is suggested that it will be desirable for you to present the memorial to the committee—the portion you have now.—A. It may not be here. I think I took it. (Examining.) This is a fair sample of the memorial. There were a dozen such lists, more or less. (Indicating.) I happen to have this. I did not fully understand the nature of your question when you put it. You will allow me to state that those names (indicating) are not on the original. Those two names were obtained by myself since I came home, because it was stated that those who signed it would not have signed it if they had known what it was. I said that as many desired to take their names off I could get four more for

every one that should be taken off. I started in with that view, but I said it is folly to be running about to contradict one hundred rumors; if there is but one name with it, that is enough. Hence, I did as much as that and stopped.

Q. In order to preserve the connection, I wish to repeat one question. I think you stated that Mr. Pomroy, who was appointed in place of Captain Greene, was a disabled soldier, honorably discharged on account of wounds or sickness incurred while in the line of duty?—A. Directly I do not know that he was appointed in his place. Mr. Pomroy was an honorably discharged soldier, wounded in the service. There is no question about that in my mind. There may be a question about it with others, but I think he was an honorably discharged soldier and wounded in the service. I think he gets a pension.

Q. You say that Mr. Allen is a son-in-law of the collector, Mr. Harris?—A. I qualified that. I might have said a son-in-law or brother-in-law, a relation.

Q. Is he or is he not a son-in-law?—A. I cannot judge as to the paternity of people.

Q. What relation is he to Mr. Harris?—A. I understand by marriage.

Q. What relation to Senator Anthony?—A. The relation is easily traced.

Q. Be kind enough to trace it.—A. When you trace his paternity, you will see; I could not trace it any more.

Q. You said that he was a son-in-law of the collector, Mr. Harris, who you say is a cousin of Senator Anthony?—A. Yes, sir.

Q. Now be kind enough to state to the committee what relationship, if any, there is between Senator Anthony and Mr. Allen?—A. A son-in-law of his cousin.

Q. Now we come back to the original question. Is he a son-in-law of Mr. Harris?—A. I have made the statement that there is a relationship. I do not know it to swear to; but I believe there is. I have been told that it was so on good authority. You can discover it by asking Mr. Anthony himself, he is here.

Q. What is your authority?—A. Persons in the custom-house.

Q. What did they say the relationship was?—A. I understood son-in-law.

Q. That Allen is a son-in-law of Harris?—A. Unless I am mistaken about it.

Q. What daughter of Harris did Allen marry?—A. I know nothing of them whatever. I do not know the old gentleman Harris. I was introduced to him the day before yesterday. If I am wrong I will apologize to Mr. Harris or Mr. Allen. They have both positions. That is the way I understand it, and I have no doubt about it.

Q. You have no doubt that he is a relation of Senator Anthony?—A. In the manner stated.

Q. Please state the manner?—A. I have stated it.

Q. You have stated that he was a son-in-law of Harris.

The CHAIRMAN. Upon information he says he has been so informed.

The WITNESS. It can be easily discovered so. The parties are all here.

Q. (By Mr. ROLLINS.) You stated that the postmaster of Providence, and perhaps you included other officials, was at Newport during some election or canvass. What was he and what were they doing here?—A. The postmaster is here.

Q. I am asking you?—A. I told you they were lobbying.

Q. Were you here at the time?—A. There is mail communication between here and Washington. I was at Washington.

Q. What means have you of knowing what business those gentlemen were engaged in?—A. Because the Speaker of the House of Representatives told me that the endeavor was to defeat him by Charles R. Brayton and the appraiser of foreign merchandise, Mr. Burrows. I was in Washington and was informed at Washington how the thing was going, how it had gone, and after I had gone home, by the parties interested.

Q. You know nothing of it of your own personal knowledge?—A. The candidate himself told me.

Q. You only state what the candidate said that they were opposed to his election as Speaker?—A. And I was told no longer ago than day before yesterday that a certain member of the justice's court would be a good witness for me to subpoena, that he was a victim of Charles R. Brayton's interference with local politics.

Q. You testified in your direct examination that \$100,000 had been used in some of your elections here in Rhode Island. By whom was this money spent; who was the candidate at the time; who spent the money?—A. The money was contributed by parties interested.

Q. Who was the candidate?—A. Henry B. Anthony was one of them indirectly. Senator Sprague stated himself in the Senate of the United States that Hon. Henry B. Anthony came there on his (Sprague's) pocket-book. It is notorious. There is no question of it.

Q. But you stated that \$100,000 was spent by somebody who was a candidate for governor, as I understood you, in some campaign. I want to know to whom you allude?—A. Did I say "governor"?

Q. I so understood you.—A. I did not mean so.

Q. Who spent the money?—A. Those who had it. It was put in one common pot. They united for one common purpose.

Q. Do you refer to the time when Governor Sprague was the candidate?—A. I can refer to other times.

Q. Do you refer to that?—A. I should include that among those occasions which I had in view.

Q. Do you allude also to the election of Governor Allen?—A. No, sir; I do not include that.

Q. You simply allude to the time when Governor Sprague was a candidate?—A. I allude to Governor Sprague's connection with political matters, and Henry B. Anthony's connection with political matters, and gentlemen who are deceased, whom I will not name out of respect for them—two of them—all involved, more or less, from time to time. Money elected them. It is notorious, and I have been told by the parties themselves who are dead how much was used, who were interested one side or the other, aspirants for governors, or senators, or representatives. I should refuse to give their names. They told me personally; gave me the figures; the figures I have forgotten. They put the money into one common pot. "If you will elect me governor this time, you can be Senator next time," and each helped the other, one devolving on the other. For instance, our mayor is elected by money, and he in turn helps to elect the governor, and the governor in turn helps to elect the senator, and when you strike one you strike them all. If you vote the Democratic ticket against the present mayor, it is virtually voting the Democratic ticket for President, and you are intimidated from doing it, or your business interests are jeopardized more or less, or you are eliminated from the party, or it is declared you are not a Republican in good standing.

Q. Do you mean to state that the expenditure of money in political

affairs in Rhode Island is confined to any one political party?—A. I mean to say that the Republican party possess about all the money, and those people who have the money pay it out.

Q. That is not the question I asked. I asked if you meant to say it was confined to one political party.—A. No; the follies of mankind are confined to mankind.

Q. Be kind enough to answer the question.—A. In the times that I refer to it was the Republican party.

Q. Was not Governor Allen a very wealthy man?—A. I do not know whether he died a bankrupt or not.

Q. He was not bankrupt at the time of his election probably?—A. I heard Mr. Brayton say that he was not. He just told you so. That is all I know about it.

Q. I beg your pardon. Mr. Brayton did not make any such statement to me.—A. I heard what he said.

Q. If the witness is to interfere in that way, I want to keep the record of my friends correct.—A. I should like to know by whom I am examined, whether it is Charles R. Brayton, under pay of the government, and I an humble citizen without pay or emolument of any kind, and he comes down here under the pay of the government to furnish questions for somebody else and tell them to the honorable Senator, and then look at me and laugh. If I am to be examined by Charles R. Brayton I should like to have it decided.

The CHAIRMAN. I do not so understand it. I understand that Mr. Rollins is examining you, and if General Brayton interferes, of course I shall prevent it. My attention happened to be attracted at that moment. I do not suppose he had any purpose to do that, and I am sure General Brayton would not be guilty of that misconduct.

Mr. ROLLINS. I asked Mr. Brayton if Governor Allen was alive, and he answered me.

The CHAIRMAN. Of course, General Brayton has a right to suggest questions to Mr. Rollins.

The WITNESS. I stated first that I am not familiar with politics in Governor Allen's time, and all questions relative to that need not be put. Whatever he was—a Democrat, or a Republican, or a Whig—if he used money, I knew nothing of it. I have heard men say so. I know nothing of it. I am reminded by a remark that in all probability Governor Allen did use money.

Q. (By Mr. ROLLINS.) I think you said there had been a marked change in regard to these matters since 1876, that the elections have been conducted differently since. Is that so?—A. That seems to be the general impression. You will allow me to state how I know?

Q. State what you know.—A. Before the Wallace Committee, which was in session five days, they proved very little actual fraud in the illegitimate use of money since 1876. The witnesses invariably stated that if they could go back of 1876, they could give enough of it, or words to that effect; almost invariably they so stated. It was understood that it was arranged not to go back of that lest it should stir up feeling, and lead to more being said than was agreeable to all parties concerned.

Q. Since that time the elections have been substantially correctly conducted?—A. That was the evidence.

Q. Do you know of your own personal knowledge of any money ever being expended in an election in Rhode Island?—A. I never took a dollar nor gave a dollar in my life.

Q. Of your own knowledge do you know of any other man who did take or receive a dollar for improper purposes?—A. I would not say that

any man ever did, because then I should have to draw the line between proper and improper purposes, and that I am not competent to do. I think money used any way is improperly used in elections. I think the distinction should be drawn between capital and labor. When you use capital to run elections labor is not properly represented, and money used any way is improper.

Q. State if you have known instances where money has been used in any way in connection with the elections in Rhode Island, of your own personal knowledge.—A. Parties say they took it and gave it.

Q. Do you know of your own personal knowledge of any instance of this kind? You can answer that "yes" or "no."—A. Did I ever see a person take it?

Q. Did you ever see anything of the kind done? Did it ever come within your personal observation?—A. Of course not. It is one of the things you cannot prove directly. As I say, they have a trap-door and run it down and the person himself cannot see anybody give it to him.

Q. You understand that the question was broad and covered all purposes, whether legitimate or illegitimate?—A. I never saw it used any more for legitimate than illegitimate purposes. That distinction is made, but I think money used in any way is illegitimate. I think it is wrong, absolutely wrong. I think it is demoralizing to use money in elections. I think a man is dishonorable to have it used. Those are my personal feelings about it.

Q. You speak of trap-doors. Where are they?—A. In barns and out-buildings and all sorts of places.

Q. Have you ever seen them?—A. I never saw the trap-door in use.

Q. Did you ever see the trap-doors to which you refer?—A. No, sir; but I have heard them described and they are in sworn testimony and I can furnish you the book that describes them and the witnesses. I can furnish you witnesses who can say they have taken it and given it legitimately and illegitimately. I do not take an active interest in politics in one sense. As I say, I never voted in my life in the State of Rhode Island.

By Mr. WHYTE:

Q. In what case is that testimony?—A. On the question of unseating the Hon. H. B. Anthony at one of the elections.

Q. Where was it taken?—A. A legislative investigation against the Republican party.

By Mr. BECK:

Q. You spoke of the original petitions being in the hands of either Captain Greene or some young man who was clerk, and in illustrating you referred to Mr. Shaw. Do you mean to say that he had any of the original petitions?—A. No, sir. General Shaw did not sign the petition. It was not presented to any person holding any position either State or Federal.

JAMES SHAW, JR., sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. In Providence.

Q. How long have you lived there?—A. I was born there. I have lived there all my days, except what time I was in the service.

Q. Were you in the service during the late war?—A. I was.

Q. How long?—A. I entered the service the 26th of May, 1862; remained for three months; it was a three months' regiment; entered again the last of December, 1862, and was mustered out some time in July, 1863; that was a nine months' regiment. I was nearly eight months in it. I again entered the service in command of the Seventh United States Colored Troops in October of 1863, and remained until November, 1866. We were finally discharged at Baltimore, Md., November 16, 1866.

Q. What rank had you when you were mustered out?—A. Colonel and brevet brigadier-general.

Q. Have you ever been connected with the Grand Army of the Republic; and, if so, in what capacity?—A. I organized the first post of the Grand Army of the Republic in Rhode Island; commanded it. I was post-commander of the post. In the first organizations the Grand Army was divided into districts. I commanded one of those districts.

Q. For what length of time, do you remember?—A. I am still a member of the Grand Army. That was one of those periods of transition, when the Grand Army was first organized. I represented it in the national encampment.

Q. You were honorably discharged from the service of the United States?—A. Certainly.

Q. Did you ever hold the position of collector of the port of Providence?—A. I did.

Q. For how long a time?—A. I was appointed on the 21st of July, 1870; entered upon the duties of my office August 1, 1870. I was re-appointed for four years on the 21st of July, 1874, while the Senate was not in session. In the following February—February 10, 1875—I was confirmed, and my last commission dates from the 10th of February, 1875. I was discharged from the office on the 1st of February, 1879.

Q. Had there been any complaint about the manner in which you discharged your duty as collector?—A. I never have heard any.

Q. Was any reason assigned for your discharge at the time?—A. I never have heard any reason.

Q. Do you remember upon whose recommendation mainly you were appointed?—A. There was an application made for my appointment as postmaster, very largely signed by our merchants and soldiers. Some political complications, I believe, prevented that being carried out, and I think that General Burnside, Senator Anthony, Mr. Jenckes, and Mr. Dixon (all the members except Governor Sprague) joined in the request, as I have been told, for my appointment as collector, and the commission was sent to me. General Burnside will remember about that.

Q. Do you remember who was opposed to your appointment?—A. The Congressional delegation, except Governor Sprague, I was informed, signed the recommendation.

Q. Do you know Mr. Cyrus Harris, the present collector?—A. Yes, sir.

Q. Did he ever occupy any position as a soldier during the war?—A. I never heard that he did.

Q. What was his calling, or business, or profession?—A. A manufacturer, I believe. I have known him many years slightly, just a speaking acquaintance.

Q. About how old a man is he?—A. I should judge he might be seventy. I do not know what his age is.

Q. Do you know Major Joyce?—A. I do.

Q. Was he a soldier during the war?—A. He was.

Q. Honorably discharged ?—A. I believe so ; I never heard anything to the contrary.

Q. Was he in the custom-house during your administration ?—A. Part of the time.

Q. Has he been discharged since ?—A. I have so been informed.

Q. Do you know Captain Greene ?—A. Yes, sir.

Q. Was he in the custom-house during your administration ?—A. Part of the time.

Q. Was he a soldier during the war ?—A. He was.

Q. Do you know if he has been discharged ?—A. I am so informed. I cannot speak of personal knowledge.

Q. Do you know Major Bucklin ?—A. I do.

Q. Was he a soldier ?—A. He was.

Q. And in the custom-house during your administration ?—A. He was there when I went in.

Q. Has he been discharged ?—A. I am so informed.

Q. Do you know anything of Mr. Frankland ?—A. Mr. Frankland was a storekeeper in the custom-house for two or three years or so, until the warehouse was abolished, and then he was discharged from his office. There was no longer employment for him. That was several years ago. He has not been an officer in the custom-house for several years past.

Q. Do you know who is the appraiser of foreign merchandise in the custom-house now ?—A. Mr. Burrows.

Q. Which one ?—A. Edward G. Burrows.

Q. Was he a soldier within your knowledge ?—A. No, sir.

Q. A civilian during the war ?—A. He was.

Q. In what form was your notification of discharge sent ?—A. In the form of a letter directing me to turn over the office to Mr. Harris.

Q. Signed by whom ?—A. The Secretary of the Treasury or an assistant, I do not remember. It was an official document from the Treasury Department, in the usual form ; a printed blank.

Q. Did you receive from time to time circulars from the Treasury Department on the subject of civil service ?—A. I did.

Q. Have you any of those with you ?—A. No, sir ; they are on file.

Q. How often ?—A. There were sundry rules of the civil service that were adopted at the time of Mr. Jenckes' bill, or somewhere about that time, which were forwarded through the Secretary of the Treasury and made the guide of our conduct at that time, about 1871, I think, or along about that time, while Mr. Jenckes was a member of the House.

Q. Was it or not a part of the civil-service rules that where a soldier had discharged his duty efficiently he should be either retained, or, in case of a vacancy, promoted ? What is your understanding about that ?—A. I thought that was simply a resolution recommending such things. I do not know that there is any law to that effect. Whatever I received is on file at the office.

Q. Who preceded you in the custom-house ?—A. Charles Anthony.

Q. Was there ever any interference with your subordinates by outside influences, and, if so, what, during your term ?—A. There were no officers sent to my office without my nomination.

Q. Sent to the collector's office ?—A. Yes, sir ; I was informed that such gentlemen had been appointed to such and such positions.

Q. Did you know why they were appointed ?—A. I knew they were appointed ; that is all I knew about it.

Q. Were their services absolutely necessary for the positions to which they were appointed, or had you not been making some reductions in the interest of retrenchment ?—A. One of them was when I received

a peremptory order to reduce the pay of certain officers from four dollars to three dollars per day, and to discharge so many other officers, and as after reducing them it left three soldiers to be discharged, I substituted the name of another man who was not a soldier in that position, and recommended that he be dropped instead of a soldier who had been wounded.

Q. Was that done?—A. It was.

Q. Who recommended the discharge of the soldier; do you remember?—A. Perhaps I had better read my letter on the subject, or so much as refers to that matter:

NOVEMBER 29, 1875.

This is to the Secretary of the Treasury:

I have the honor to acknowledge the receipt of the letter of the Assistant Secretary, dated November 17, in which, after reciting the cause for the change, I am instructed to reduce on the first proximo the salary of sundry officers—

Which I will not read—

to abolish the office of two inspectors at four dollars per day each, and one inspector at three dollars per day; and to report the names of the persons whose services I terminate under this order—

Leaving out those whose names are mentioned above—

I have left to select from Messrs. Small, Burrows, and Chace, at four dollars per day each when employed; but inasmuch as all of these officers were soldiers and officers during the rebellion, and as one of those mentioned in your list was not in the service, viz, Robert Purkis, I would recommend that his name be substituted for that of John E. Burrows, and will name Robert Purkis at four dollars per day, and David Small at four dollars per day when employed, to be dropped.

Q. You recommended that Robert Purkis be dropped?—A. Instead of John E. Burrows, as it was a direct order to reduce the force so many men.

Q. Burrows was a soldier, I understand?—A. John E. Burrows was a soldier.

Q. Who recommended that he be dropped?—A. It is not a recommendation that he be dropped, but I am to abolish the office of two inspectors at four dollars a day, and one inspector at three dollars a day, leaving me to make the selection.

Q. And you recommended that Purkis be dropped instead of an ex-soldier?—A. Yes. I had better, perhaps, read the names: "To reduce on the first proximo the salary of E. C. Ashley, deputy collector, inspector, and clerk, from \$2,500 to \$1,800; N. Goff, jr., deputy collector and inspector, from \$4 to \$3 per day; John Aigan, inspector, weigher, and measurer, from \$4 to \$3; Robert Purkis, from \$4 to \$3; James Reynolds, from \$4 to \$3; William H. Joyce, from \$4 to \$3; S. R. Knight, messenger and storekeeper, from \$1,200 to \$730 per annum; O. B. Baker, boatman, from \$600 to \$300; D. P. Davis, from \$600 to \$300. B. P. Lovewell, messenger in appraiser's office, from \$912.50 to \$730; to abolish the office of two inspectors at \$4 per day each, and one inspector at \$3 per day, and to report the names of the persons whose services" I "terminate under this order." That was my order. If I left those men in, it would compel me to discharge one more soldier, and I asked to substitute the name of Mr. Purkis for Mr. Burrows and drop Mr. Purkis.

Q. Is Mr. Purkis in the custom-house now?—A. I suppose he is.

Q. He was not a soldier, I understand you?—A. No, sir.

Q. I understand you to say that Major Bucklin has been removed since Mr. Harris came in?—A. I am informed so.

Q. He was a soldier?—A. Yes, sir.

Q. Was Major Bucklin an efficient officer?—A. Major Bucklin was once dismissed from the office on my recommendation.

Q. Before that?—A. Before that.

Q. Was it not your custom and practice in giving persons employment in the custom-house to give the preference to soldiers, in pursuance of the statute?—A. In every case where it was possible to do it with reference to the interests of the service.

Q. That was the rule of your administration, I understand you?—A. Yes, sir.

Q. In reference to Captain Greene, did he discharge his duties faithfully?—A. To the best of my knowledge he did.

By Mr. BECK:

Q. You seem to have been dismissed a very short time before your second term of four years expired?—A. Before the second commission expired; ten days before.

Q. Why were not the four years allowed to expire with you, if there were no complaints made against you?—A. I do not know why it was not done. I was very much surprised it was not.

Q. Did the order come from the Treasury Department to turn over to Mr. Harris the business on that day?—A. Yes, sir; he presented it to me on the 23th or 29th, and said he would take possession on the first; it was only a day or two before the end of the month.

Q. And within ten days of the expiration of your commission?—A. Yes, sir.

Q. Was there any reason assigned, either in the official communication or in any other way, why that removal was made before the expiration of the commission?—A. No, sir; it was the ordinary printed blank, simply directing me to turn over the office to Mr. Harris.

Q. Not having the rules of the civil service before me, I will ask you if there is not some rule or regulation that where a man is required to surrender an office before the expiration of the term, it shall be done for some cause or reason assigned?—A. That is either a matter of platform or rule, I do not know which. My commission, however, read that it was for four years unless sooner discharged.

Q. And that term would not have expired until the 10th of February succeeding the time when you received the order to surrender?—A. Exactly.

Q. Congress was in session on the 1st day of February, 1879?—A. Yes, sir.

Q. Had your successor been confirmed at that time?—A. He must have been, or he could not have taken the place.

By Mr. ROLLINS:

Q. Was it not more convenient to turn over the office and papers, connected therewith, on the first of the month rather than at any other time?—A. It was a question of a day or two on the other end of the line. I gave my predecessor ten days, so that he could finish out the month. I came short ten days on this end.

Q. How long did you hold the office?—A. I took possession of the first day of August, although my commission was dated the 21st of July.

Q. How many years were you in the office?—A. About eight years and six months.

Q. So that you held it more than two entire terms really?—A. I held it under three different commissions.

Q. But more than two entire terms in all?—A. I held it eight years and a half. My last commission had not expired.

By Mr. BECK:

Q. Give me an idea of the size of your custom-house business at Providence. What was about the amount of your collections during the last years of your service?—A. They run through my service from \$180,000 to \$350,000 a year or thereabouts; I do not remember exactly.

Q. Do you mean the collections from customs alone, or do you include everything? You collect dues from vessels?—A. Hospital dues, &c.

Q. What is the amount of your collections from the customs revenue alone?—A. I could not separate it without the figures. The collections for hospital dues and tonnage form a comparatively small part of it. The larger part of the collections is from duties on imports.

Q. About how many employes had you? You read from a long list of a number who were discharged. Is that all there are in the custom-house now (referring to a list in the CONGRESSIONAL RECORD of May 28, 1879, of fifteen names)?—There were twenty-four when I went in there, and those have been reduced from time to time until there are only about fifteen.

Q. Does that purport to be the whole number of persons employed who are there, laborers and all?—A. There are no laborers; that purports to be all, and I think it is.

Q. What is the special duty of your appraiser of foreign merchandise?—A. To examine into the appraisal of all kinds of foreign merchandise brought into the port, ascertain its value, see if the invoices are correct.

Q. What officer is that?—A. Edward G. Burrows. He has a salary of \$3,000.

Q. Is that fixed by law?—A. It is.

Q. At a custom-house like yours, what portion of his time is occupied in that business?—A. He has always done his duties very thoroughly whatever there was to do.

Q. But what portion of his time is occupied in the performance of that duty?—A. That I am unable to say.

Q. Does it not often happen for weeks at a time that he has nothing absolutely to do as appraiser of foreign merchandise?—A. No, sir; of every importation he is obliged to examine the invoice and the merchandise, and there never was any such time in the office yet that we had three weeks without an importation.

Q. Is the service done by the appraiser himself or by some subordinate or deputy?—A. He is assisted by a messenger. He has but one man in his office, who is messenger and storekeeper, and so forth.

Q. It is generally understood that the appraiser of foreign merchandise in most of the small custom-houses is an office for which there is very little use, and I want to know how it is at Providence. I do not know myself?—A. It is very important for Providence to have the opportunity to enter goods under the act of July 14, 1870; that is, to bring them in through Boston or New York directly without appraisal there. We are unable to get our merchandise in Providence as speedily as a merchant in New York or Boston, it coming here in bond. It comes into one of these first ports, and is examined only by its marks and numbers. It is then transferred immediately to the bonded cars or boats; it has priority of examination, and gets here almost as soon, or quite as soon, as a merchant in New York or Boston can get his cargo.

Q. And then the appraiser of the foreign merchandise performs the duty of making the same appraisement that the corresponding officer would in New York if it had been originally destined for there?—A. Exactly; the goods, when they arrive at our depot, in other words, are exactly in the same condition, so far as our duties are concerned, as they would be when the vessel arrived alongside the dock in New York or Boston.

Q. Something was said a while ago about assessments for political purposes from the officers of your department; what do you know about that matter? A circular has been shown here received apparently by a gentleman in the post-office, signed by Mr. Geo. C. Gorham. Was a circular of that sort sent to you?—A. Yes, sir.

Q. Does that look like a copy of Mr. Gorham's circulars?—A. Yes, sir (examining); I should say it was, as nearly as I remember it. I generally received those things.

Q. When that was done were assessments made on the employés of the department from yourself down?—A. That is not strictly an assessment, as I understand it.

Q. What do you call it?—A. It is called a voluntary contribution.

Q. Were contributions generally made by the employés of the custom-house under this request?—A. I was informed that most of my officers had received this circular. I told them to act as they thought proper; to give or not to give; it would make no difference whatever to their positions in the custom-house. Any contributions that I made myself I dated at my residence, and signed with my own name. I generally proposed to contribute as a citizen, and never as an office-holder.

By the CHAIRMAN:

Q. Did you not decline to contribute as an office-holder?—A. Peremptorily. I perhaps can remember a reply that I made to the secretary of the National Congressional Executive Committee in that respect.

By Mr. BECK:

Q. Give the substance of it if you recollect it.—A. This was before there was so much care taken in wording these circulars, and the request that came to me was for a contribution of \$125 "which will be considered in full for your office." I replied to Mr. Edmunds, that as a citizen of Rhode Island and as a member of the Republican party, I desired to bear my share in the expenses, and as the only question at home was between two men, both good Republicans, I forwarded him a check to use for any legitimate purposes of the election. "As to yours," of such a date "directed to me as collector of customs, I should respectfully refer you to rule eleven of the civil service which by the order of the Secretary," of such a date—I quoted it then; I do not remember it now—"was made the guide of my conduct, and I obey it not only as the order of my superior, but because it meets my approval as a matter of principle." I received a receipt for the money, but heard nothing more about it. I did not have any of those papers for some time afterward.

Q. When it said in full for your office, did it mean your own individual share?—A. In full for the custom-house, for the office I represented. That was as long ago as 1876, '75, or '76. I do not remember; several years ago.

Q. Did the other officers in the custom-house receive a similar communication?—A. No, sir.

Q. The \$125 was to cover all the officers of the custom-house as you understood?—A. I so understood it.

Q. And you subscribed the money yourself as a citizen ?—A. I subscribed what I sent as an individual, but declined to do anything as collector, or to collect any money in my office. I never have done that while I have been in the office.

Q. When the circulars of Mr. Gorham came on in 1878 you say you told the employes of your office to do as they pleased. Did they generally subscribe ?—A. I do not know. I did not ask the question of anybody. I was shown by some of them the circular according to my recollection. I said to all of them, "You will do what you please; it will make no difference to your position in the office."

Q. And beyond that, you made no inquiry as to what they did in fact do ?—A. No, sir; I did not know whether they did in fact or not subscribe.

Q. Did those things come to you by mail or was there a personal solicitation made ?—A. They came by mail.

By the CHAIRMAN:

Q. Of course you are a Republican ?—A. Yes, sir; and have always been since the Republican party was formed.

Q. And since you have been collector of the port of Providence under the civil-service rules, as you understood them, you did not participate actively in local politics ?—A. Not as an official. There never was a contested election, to my knowledge, in our State since I entered the office, that some officer in my employ has not voted otherwise from what I have done. I always proposed to use my own endeavors as a citizen—in other words, I do not lose my rights as a citizen by being an office-holder. I gained none as an office-holder. Every officer under me understood he was at liberty to do as he pleased. If I could induce him as an individual, I would do that; but as an official, never.

Q. Never by reason of his official position ?—A. Never.

Q. That was your rule during your administration of the office ?—A. Yes, sir.

Q. To exercise your political rights as a citizen, but never to influence others by reason of your being an office-holder ?—A. Exactly.

Q. Did the State Central Committee ever attempt to assess you for political purposes ?—A. They wrote me a letter requesting a contribution, and said a similar request had been made to the heads of the other departments.

Q. What answer did you make ? With whom did you have the correspondence ?—A. The chairman of the State Central Committee.

Q. Who was he ?—A. Charles R. Brayton.

Q. Postmaster at Providence ?—A. Yes, sir.

Q. Did you have any correspondence with him on the subject ?—A. I replied to that, and afterwards the committee passed some resolution: I replied to that; they passed another resolution; then I took the whole thing and carried it to the Journal to publish.

Q. Was it published ?—A. It was not. Mr. Danielson disapproving of any such action being taken. He said he had just got through with one long contest with the city committee business, and he did not desire to enter into another conflict which would undoubtedly grow out of it.

Q. Who is Danielson ?—A. The active editor of the Providence Journal.

Q. Have you that correspondence with you ?—A. No, sir.

Q. Could you give the tenor of it from memory ?—A. It is too long to give it from memory. I can send it to you, if you wish it.

By Mr. WHYTE:

Q. What is the date of it?—A. Just previous to the last presidential election; in that contest, I think.

By the CHAIRMAN:

Q. It was in reference to that campaign?—A. It was in reference to that campaign, if I remember rightly.

Q. General Charles R. Brayton, I understand you, is chairman of the State Central Committee?—A. He was at that time. He has since resigned.

Q. You have that correspondence?—A. I have copies of it.

Q. I should be glad if you would send them to us. I suppose you remember whether you responded to that demand for the assessment?—A. I did not.

Q. You refused?—A. I refused to respond to that call. I had already contributed in my ward, and I contributed afterwards in my own ward individually. I objected to it as being directed to me as the head of a department, meaning, of course, in my case the head of the custom-house.

By Mr. ROLLINS:

Q. You stated that you held the office of collector of the port eight years and a half?—A. Yes, sir; or thereabouts.

Q. Were you discharged from the service, military or naval, "by reason of disability resulting from wounds or sickness incurred in the line of duty"? I am following the language of the statute.—A. No, sir; I was fortunately not wounded. I was simply struck by a bullet, but not to do any harm.

Q. Was Captain Greene, Major Bucklin, Major Joyce, or Mr. Frankland discharged from the military or naval service by reason of disability incurred from wounds or sickness incurred in the line of duty?—A. I do not know that either of them was wounded.

Q. Neither of them was discharged from the service for those reasons within your knowledge?—A. Not within my knowledge; Frankland has not been an officer of the custom-house for three or four years.

Q. Frankland was in office at one time?—A. Yes, sir; but when the storehouse was discontinued there was no further use for the storekeeper.

Q. How long ago?—A. Three or four years. The storehouse was abolished, and of course there was no necessity for a storekeeper.

Q. Do you know whether Pomroy, who is now employed in the custom-house, was discharged from the service by reason of disability incurred, according to the language of the statute already cited?—A. No, sir; I do not. I have understood that he was wounded. I do not know that he was discharged for that cause.

Q. He was wounded in the service?—A. I so understand. I do not know it of my own knowledge.

On motion, the committee adjourned until to-morrow at 10 o'clock a. m.

NEWPORT, *Friday, August 15, 1879.*

The committee met pursuant to adjournment.

Present, the Chairman and Messrs. Whyte, Beck, Chandler, and Rollins; also, Senators Anthony and Burnside, and Mr. William P. Sheffield.

JEROME B. GREENE recalled.

By the CHAIRMAN:

Question. Dr. Greene, have you brought down the original petition called for yesterday?—A. Yes, sir; I would state that there was some question about the names of the parties who headed the lists, and I was unable to find the one that was signed by Rev. Augustus Woodbury with his name at the head of this particular list (exhibiting paper), and that is a fair sample of the various papers. That is the one which there has been some question about, it being stated that Woodbury did not sign his name at the head. His name appears there at the head of that list as originally placed by himself. We count about 300 names in all, a little upwards. This is a fair sample of them (exhibiting another paper).

Mr. WM. P. SHEFFIELD. I suppose the witness is to give facts.

The WITNESS. If there is to be counsel on the other side, I wish to have counsel.

The CHAIRMAN. We only propose to allow counsel to suggest questions to Mr. Rollins. I think that is the understanding. Is Mr. Sheffield here in the capacity of counsel?

Mr. SHEFFIELD. Yes, sir.

The CHAIRMAN. We had better determine that matter.

Mr. BECK. I suppose this committee is not going to take sides. When counsel was suggested, I presumed the idea was, if any person wanted any questions suggested to any member of the committee, he could have all the counsel he wished for that purpose. I suppose counsel is not to tell the committee what is evidence and what is not evidence. We settle that for ourselves.

Mr. WHYTE. I, of course, am very glad to see Mr. Sheffield, and am very glad to have any suggestions from him; but there has been no proposition for counsel before us; none has been recognized before this committee. No proposition has been made to us to allow anybody to appear by counsel. If the question is to be suggested, I shall ask for an executive session, that we may discuss it among ourselves.

The CHAIRMAN. Do I understand gentlemen to desire counsel?

Mr. SHEFFIELD. May I be permitted to ask if I am allowed to appear as counsel?

Mr. WHYTE. Counsel for whom?

Mr. SHEFFIELD. Persons who are implicated, upon whom reflections are made here, and I desire to appear for those persons for the purpose of removing, if I can, the impressions that have been made in the testimony, or the inferences in the testimony adverse to persons upon whom reflections have been made.

Mr. WHYTE. Then we understand this is a formal application from you to act as counsel for certain persons who have been referred to in this testimony?

Mr. SHEFFIELD. Yes, sir.

Mr. WHYTE. On that I ask for an executive session.

The WITNESS. Mr. Chairman, if I may be permitted to speak, as the gentleman last seated stated that he appeared as counsel for those on whom some reflections were made, I should object to him, because it is proposed to summon him as a witness in reference to the same matter.

The CHAIRMAN. We will not discuss that now. We will have an executive session.

Mr. ROLLINS. Before that is done, I wish to suggest that the course pursued yesterday in reference to the admission of hearsay evidence was

against my wishes, and it is not in accordance with precedents, in my judgment. I merely wish to call the attention of the committee to that matter, so that it may also be considered in executive session.

The CHAIRMAN. It is moved that the committee have an executive session.

The motion was agreed to, and the room was cleared and the doors closed.

Mr. WHYTE submitted the following order :

Ordered, That the proposition of Mr. Sheffield to appear as counsel for parties who were referred to in the testimony yesterday be rejected, and that no counsel be allowed to take part in this investigation, but that its conduct shall be exclusively in the hands of the members of this committee, it being understood, however, that any question may be suggested to members of the committee by parties interested in the subjects of inquiry.

The order was agreed to ; the yeas being the chairman, Mr. Whyte, and Mr. Beck and the nays Messrs. Rollins and Chandler.

On motion, the doors were opened.

The CHAIRMAN announced the result of the deliberation of the committee as embodied in the foregoing order, and added :

This investigation is not in the nature of a trial of anybody. It is an investigation under a resolution of the Senate, which must be necessarily somewhat more extended than a strict legal trial. The committee have concluded that if we admit counsel on one side we must admit counsel on the other, and this would lead to an interminable discussion. In the interest of getting along with the matter before us we have concluded not to admit counsel on either side, but are quite willing that any gentleman present shall make suggestions to any member of the committee as to any questions he desires asked.

Mr. SHEFFIELD. Any question he desires to ask or any objection he wishes to make ?

The CHAIRMAN. Certainly ; that is the understanding.

Mr. WHYTE. If the testimony is irregular or irrelevant and ought not to be taken, the objection can come from a member of the committee, and any one can suggest it to him.

Mr. BURNSIDE. Mr. Chairman, allow me to state that this petition was presented to the Senate, and I ask now as a party interested that the original be kept with the papers of the committee.

The CHAIRMAN. We will consider that. The original is now produced by Dr. Greene.

JEROME B. GREENE recalled.

By the CHAIRMAN :

Question. Do you know the handwriting of Mr. Woodbury ? Can you swear to it ?—Answer. I can swear that is the signature that came to me.

Q. Can you swear that it is his handwriting ?—A. No, sir ; but there is a gentleman present who can.

The CHAIRMAN. These originals have been brought at your request, Mr. Rollins. What disposition do you propose to make of them ?

Mr. ROLLINS. I want them to remain on file with the committee.

The CHAIRMAN. The best plan, then, will be to have them read when we have more leisure and have them put on record. The papers will

be retained temporarily, at least until we settle the question. In the mean time I will take charge of them.

The WITNESS. I am satisfied.

Q. (By the CHAIRMAN.) Were there some other papers you desired to present?—A. I have another paper that was called for in yesterday's testimony which I proposed to furnish, in reference to assessments. This is the original envelope that came. It is to be returned with \$5, political assessment, to Hon. J. M. Edmunds, Washington, D. C. The assessment was requested, but the discharged wounded soldier did not feel it in his heart to answer the assessment, and he preserved it.

Q. Just read that paper.—A. He is one of the discharged soldiers wounded. He is present. I will read the circular:

UNION REPUBLICAN CONGRESSIONAL EXECUTIVE COMMITTEE,
Washington, D. C., June 18, 1875.

EXECUTIVE COMMITTEE.

Hon. Z. Chandler.
Hon. S. Cameron.
Hon. John Coburn.
Hon. John A. Logan.
Hon. H. H. Starkweather.
Hon. Wm. M. Stewart.
Hon. Marous L. Ward.
Hon. T. C. Platt.
Hon. Geo. C. McKee.
J. M. Edmunds, secretary.
Jacob Tome, treasurer.

UNION REPUBLICAN RESIDENT COMMITTEE.

Hon. R. B. Cowan, Washington.
E. W. Dorsey.
Allen Rutherford.
J. M. Edmunds.
G. W. Dunn.

WASHINGTON, D. C., June 18, 1875.

DEAR SIR: In view of the approaching Presidential campaign, and the State elections which are to occur the coming autumn, this committee has been directed to provide for the immediate and thorough reorganization of the Republican party and the circulation of such documents as will be essential to the work. Assuming you to be a Republican, desirous of maintaining the ascendancy of the Republican party and thus securing the benefit of Republican principles, and that to do this you are willing to contribute to a reasonable extent in providing for necessary and legitimate means to support the Republican party, both in the form of personal effort and in the contribution of money, we hope you may be willing to give five dollars to be expended as above indicated. The committee desire to enter upon their duties at once, and it is of the utmost importance that they be able to make up the list of contributors and those who will take an active part in the work and to judge of the extent of the means to be at their disposal by the first day of the coming month.

Please reply under cover of the inclosed envelope, and greatly oblige the committee.

Your obedient servant,

J. M. EDMUNDS,
Secretary.

To AARON CLARK,
Route Agent, Providence, R. I.

On the margin is a slip of paper:

"It is particularly desired that in replying to this letter the name of the post-office and State, together with the name of the writer, should be written clearly and legibly, in order that credit may be properly given."

Q. Do you offer that in evidence?—A. Yes, sir; on the charge of assessments.

By Mr. CHANDLER:

Q. I see you call this an assessment. Where do you find the word "assessment" in it?—A. The committee has heard it read.

Q. It is a request to contribute an amount, and you talk about an assessment. Where is the "assessment"? You are on oath; you swear that this is an assessment. I want to know where the assessment is.—A. What is it, then?

Q. A request.—A. Then, sir, a request to contribute for political purposes.

Q. Is that an "assessment"?—A. I shall qualify it by stating that it is a request, if that is the language presented in the body of it.

Q. Of course it is. You have seen it.—A. I have not read it carefully to remember the details of it.

By the CHAIRMAN :

Q. Have you any other papers you want to present?—A. No, sir; that was all I promised to present to day. A question arose in reference to the genuineness of the memorial and the ability to present such evidence as is contained in that and to present a witness who would testify as to Federal officers interfering with local politics. There are papers relating to that. I have brought my witness, who will testify when he is called.

By Mr. BECK :

Q. Do you allude to the witness in reference to whom we spoke yesterday?—A. Whose name I refused to give.

Q. Is he here now?—A. He is.

By the CHAIRMAN :

Q. Who questioned the validity of the memorial?—A. Perhaps I should qualify that. I supposed it was questioned by the manner in which I was cross-questioned about it. I wish to cast no reflection on any one. It was so strenuously demanded, that I supposed there might be some question of it. That is all the foundation I had. No one, however, personally questioned it to my face in words. It was only the course taken to obtain it that led me to suppose so, and I was only too willing to furnish it. That was all I meant by that; of course I have my private opinion about it.

Q. I am requested to ask you if you know of any one of the signers to that petition signing two different papers?—A. No, sir; but I notice what may account for that. While in Washington I made a duplicate, a triplicate, of all papers relating to this matter, and among the other papers was this memorial and this certified copy, and in making a copy thereof I discovered that one man's name appeared twice with the same rank and regiment, and I supposed it was a mistake made by the copyist who made it, but I did not correct that. I did not make any omission. I did not leave that out; I put it in all the other copies, I think. I sent one to the President. I intended to send one to General Burnside and to all parties concerned, and I think in the body somewhere I discovered—I have a faint recollection of it—that one name appeared twice. I looked it over and said to myself "The clerk has made a mistake; he has got one name in twice," but I did not erase it, because it was sworn to as the original, and I supposed it was the original. It would not be surprising if a person did sign it twice, considering the great number of names that signed it and the great number of persons interested in it and taking papers around. It is barely possible there may be a clerical error of that kind. If any such name appears, or if any name appears of any person who does not desire to have it there, I shall be only too glad to have it erased; and any mistakes I would desire to have corrected in that direction. It was not intentional, because we could get four times as many names if it were desired, and I would prefer, and all those interested would prefer, and they have requested me to suggest, that if any person is desirous of having his name erased, thinking that he signed that under some misapprehension of its purposes, we should be only too pleased to have him do so. We should like also the privilege of putting in their names. There are per-

sons here to-day, wounded soldiers, who would like to sign it now, and we would like the privilege of having those sign it who desire to sign it, who had not the opportunity before. And, as I stated before, we would freely grant to those who do not desire to have their names there, whether they were put on by misapprehension or whether they wish them off because the course of events has taken a different turn from what they expected, the privilege of having their names taken off.

WILLIAM H. HENDERSON sworn and examined.

By the CHAIRMAN :

Question. Where do you reside ?—Answer. In Providence.

Q. How long have you lived there ?—A. Thirty-five years.

Q. What is your business ?—A. I am treasurer of the American Screw Company.

Q. A manufacturing company ?—A. Yes, sir ; manufacturers of wood-screws.

Q. How long have you been such treasurer ?—A. About 25 years.

Q. Living in Providence practically all that time ?—A. Yes, sir.

Q. Do you know General James Shaw ?—A. Yes, sir.

Q. Did you know him when he was collector of the port of Providence ?—A. I did when he was collector and before. I have known him 20 years.

Q. You knew him during the whole term of his administration ?—A. Yes, sir.

Q. Do you know the fact that he was a soldier during the war ?—A. Yes, sir ; I think I do.

Q. What was his reputation as an officer in the custom house ?—A. I never heard anything said against him. He always had the reputation of being a good officer, a man who discharged his duties faithfully and correctly. That was our experience with him.

Q. Did your house have any transactions with him as collector ?—A. We had several transactions for a number of years.

By Mr. WHYTE :

Q. Was General Shaw thoroughly honest ?—A. As far as I know.

Q. That is his reputation ?—A. I never heard a word said against his reputation as an honest and honorable man.

Q. Was he capable of discharging faithfully the duties of the office ?—A. I thought so ; I found it so in our intercourse with him in all the transactions we had with him.

Q. To what party was he attached ?—A. The Republican party, I have always understood.

By the CHAIRMAN :

Q. Was your house an importer ?—A. We imported iron rods for the purpose of manufacturing screws. We imported them in bond from Boston.

Q. They passed through his custom-house, then ?—A. Yes, sir.

By Mr. ROLLINS :

Q. Did not the American Screw Company recommend the appointment of General Shaw ?—A. Not as a company. I signed the recommendation individually for his reappointment, but not in my official capacity. If the president signed, I think he signed as an individual.

Q. Did not the president of your company recommend the appoint-

ment of Pomroy as collector in place of Shaw?—A. I do not know. I am not aware whether he did or not.

Q. Is the present collector a faithful, competent, and efficient officer?—A. I presume he is. We have had very little to do with him. So far as we have had, everything has been satisfactory.

Q. Entirely so?—A. Yes, sir.

Q. He is an honest and competent man?—A. I have heard nothing to the contrary.

Q. You have had no occasion to complain of the manner in which he has conducted the business of his office?—A. No, sir; we have had no occasion to complain since we have had any transactions with the custom-house of the conduct of any of the officers.

Q. General Shaw was in the office something over eight years, was he not?—A. Yes, sir.

By the CHAIRMAN:

Q. Do you know a Maj. William H. Joyce?—A. I do.

Q. Did you know him when he was in the custom-house?—A. I did.

Q. Was he a faithful officer?—A. He was, as far as I know.

Q. Was he not a soldier during the war?—A. I understand that he was. I was not personally acquainted with him until after the war ended.

Q. Did you have any transactions with him in the custom-house?—A. We did. He was an inspector there, as I understand. He looked after our merchandise exported and that imported also. Our transactions with him were perfectly satisfactory and correct.

JACOB SYMONDS sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. In Providence.

Q. How long have you lived there?—A. More than fifty years.

Q. What is your business?—A. Dry-goods—jobbing and importing.

Q. Have you imported dry-goods through the custom-house in Providence?—A. Yes, sir.

Q. Do you know General James Shaw?—A. I do.

Q. Did you know him when he was collector of the port?—A. Yes, sir.

Q. State whether or not he discharged his duties in that capacity satisfactorily to the business men, so far as you know?—A. As far as I know, he always did so satisfactorily to us and everybody else that I heard speak of it.

Q. Was he a competent man?—A. Yes, sir.

Q. Had he been a Union soldier?—A. Yes, sir.

Q. Was he an honest man?—A. As far as I know. I never heard anything against him.

Q. Was he a capable man?—A. We always thought so.

Q. Did you recommend his appointment?—A. Our concern did as a firm.

Q. Do you know any reason why General Shaw should have been discharged, taking into consideration his services as a soldier and his performance of his duties as collector of the port of Providence?—A. I do not.

Q. What are his politics?—A. I think he is a Republican.

By Mr. ROLLINS:

Q. Do you know Mr. Harris, the present collector of the port of Providence?—A. Yes, sir; I have known him for a great many years.

Q. What is his reputation as an officer? Is he a faithful, efficient, and accomplished collector of the port?—A. So far as I know, yes, sir. We have had some transactions with him which have been perfectly satisfactory.

Q. No occasion for complaint?—A. Not in the least.

Q. He is a thoroughly honest man?—A. So far as I know.

By Mr. WHYTE:

Q. He was not a soldier in the war?—A. I think not.

By Mr. ROLLINS:

Q. Do you know as a fact whether General Shaw was disabled in the service by reason of wounds?—A. That I do not know.

By the CHAIRMAN:

Q. Do you know Major Joyce who has been referred to here?—A. I merely know him by just a speaking acquaintance. I have no personal acquaintance with him.

Q. Did you know him when he was an officer in the custom-house?—A. I knew he was in the custom-house. I did not know much about him.

Q. You do not know much about his capacity?—A. Nothing.

Q. Do you know his general character?—A. I do not know anything about that. I merely know him as a speaking acquaintance.

Q. Do you know whether or not your firm recommended Mr. Joyce for appointment?—A. I think they did not.

Q. My information is that your house did.—A. Perhaps they did. If so, I do not know it. Another member of the firm may have done it. I was not aware of it.

By Mr. BECK:

Q. What had been Mr. Harris's business up to the time of his appointment as collector?—A. Manufacturer of cotton goods.

Q. In Providence?—A. Or within the vicinity.

Q. Has he been a citizen of Rhode Island a long time?—A. Yes, sir.

Q. Is he carrying on that business as one of the members of a firm or as an employé of a firm, or in what capacity?—A. C. and S. Harris, manufacturers of cotton goods, and also in the Greene Manufacturing Company.

Q. Therefore he was a merchant himself?—A. A manufacturer.

By Mr. ROLLINS:

Q. Not an importer?—A. No, sir; not an importer.

By Mr. BECK:

Q. He was a business man?—A. Yes, sir.

By Mr. ROLLINS:

Q. And not an importer?—A. Not an importer, so far as I know.

By the CHAIRMAN:

Q. I have been requested to ask you if it was not your understanding that General Shaw left his office by reason of the expiration of his term of service?—A. I do not know about that. I did not know that his term was out.

Q. Do you know a Mr. Burrows, the present appraiser of foreign merchandise?—A. Yes, sir; I do.

Q. Have you had any transactions with him recently?—A. Within a few weeks.

Q. Were they satisfactory?—A. Very.

GEORGE W. WHITFORD sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. In Providence.

Q. How long have you lived there?—A. Twenty-nine years.

Q. What is your business?—A. West India business and grocery business.

Q. An importer?—A. Yes, sir.

Q. Do you know General James Shaw?—A. Yes, sir.

Q. Did you know him when he was collector of the port of Providence?—A. I did.

Q. Do you know his politics?—A. I suppose he is a Republican.

Q. In the capacity of collector was he an efficient and competent officer?—A. I think he was.

Q. Did you have any transactions with him as collector?—A. Yes, sir.

Q. Were they satisfactory?—A. Yes, sir.

Q. What was his general reputation in the community for capacity as a business man as collector of the port?—A. He was thought to be efficient in that position.

Q. Do you know of any reason, in view of his capacity and character, why he should have been discharged from that office?—A. No, sir.

By Mr. BECK:

Q. Had the present collector of customs ever been connected with the custom-house before, as far as you know?—A. Not so far as I know.

Q. He was a manufacturer in the neighborhood of Providence?—A. Yes, sir.

Q. What public offices in connection with the collection of revenue had the present collector, Mr. Harris, ever held?—A. I do not know of any official position he had held; perhaps he may have held some.

Q. I understand your testimony to be that Shaw was an honest, faithful, competent officer, a Republican, and you know of no cause for his removal?—A. Exactly.

Q. Do you know anything in the previous training of the present incumbent, Mr. Harris, that fitted him for this position peculiarly?—A. He has been a business man all his life and is perfectly competent.

Q. About what age?—A. I should judge about 70.

By the CHAIRMAN:

Q. About how old a man is General Shaw?—A. I should judge about 50 or 55.

By Mr. ROLLINS:

Q. How long have you known the present collector of the port of Providence?—A. It must be over 30 years.

Q. He has always had the reputation of being a good business man?—A. I think so.

Q. Does he make a good collector of the port?—A. I think very competent.

- Q. Discharges the duties faithfully, diligently, with strict integrity?—
 A. I think so.
 Q. Acceptably to all your people?—A. I think so.
 Q. Do you know any reason why he should not be appointed collector of the port?—A. No, sir.
 Q. Do you know Major Joyce?—A. Yes, sir.
 Q. What office did he hold in the custom-house?—A. Inspector.
 Q. You were an importer of West India goods?—A. Yes, sir.
 Q. Did he visit or go on board of vessels where you had goods?—A. Yes, sir.
 Q. Did you at any time request General Shaw not to detail Major Joyce for that purpose?—A. I did in respect to his being inefficient as a gauger.

Q. State fully to the committee the reasons which induced you to make that request of the late collector?—A. We wanted dispatch in our business, and the inspectors were all obliged to gauge without knowing about it and they generally were inefficient. Major Joyce was not so rapid in accomplishing the work. That was the reason.

Q. You did not consider him an efficient officer?—A. He took too long a time to suit us, that was all.

By Mr. WHYTE :

Q. He was not efficient as a gauger?—A. None of the inspectors were efficient as gaugers; some of them were rather more rapid than others.

By the CHAIRMAN :

Q. Does it come within your knowledge that your house recommended Mayor Joyce for appointment in the custom-house?—A. No, sir: I think they did not.

Q. I understand you to say that all the inspectors were more or less inefficient?—A. As gaugers. I frequently made requests to General Shaw to have one man learn gauging, but he had no authority to do so, he said. These men were all placed on; they had no experience, and of course it took them a long time.

JOHN M. O'ROURKE sworn and examined.

By the CHAIRMAN :

Question. Where do you reside?—Answer. I reside in Providence.

Q. How long have you lived there?—A. Ever since I was born, 49 years last July.

Q. What is your business?—A. I am agent for an English importing house that has a branch in Providence.

Q. What kind of business?—A. Importing drugs, chemicals, dye-stuffs, and manufacturers' supplies.

Q. Do you know Mayor Joyce?—A. Very well.

Q. Did you know him when he was an officer in the custom-house?—A. Yes, sir.

Q. Did you have any transactions with him in that capacity?—A. A great many.

Q. Was he an efficient, competent, capable officer?—A. Very. We deemed him very efficient, a very rapid officer and very competent. When I say competent, I mean if we had any goods lying at the station late at night when many officers had gone off and left them, so that we might save our insurance he would stay late and early to attend to

hem. Most of our goods come in bonded cars from Boston to Providence.

Q. I understand you to say that he was particularly obliging?—A. We found him so.

Q. Do you know that he was a Union soldier during the war?—A. I do. I saw him go away with the Seventh Regiment. I was not a soldier myself. I saw him after he came back and supposed he was a soldier during the war from what I heard.

Q. Do you know his politics?—A. I do not. I supposed that he was a Republican always. At local elections I have seen him, and I have always supposed he was a Republican.

Q. From your knowledge of his character as an official, and in view of his capacity, which you have just testified to, is there any reason why he should have been discharged from his position, within your knowledge?—A. I do not know of the slightest. I should consider him a first-class man for the position.

By Mr. WHYTE:

Q. Have you taken much part in politics in Rhode Island?—A. I have had something to do with them.

Q. Have you been tolerably active?—A. At times.

Q. Do you know of any instance where Federal officials have been particularly active in State politics or local politics in the State?—A. As a general thing they are pretty active in Rhode Island. I do not know particulars.

Q. Do you not know of their taking any particularly active part?—A. I do not know that I should want to particularize any one.

Q. It is not a question of taste; I want to get at the fact.—A. I know that I have seen Federal officials make themselves very useful at the time of elections.

Q. Lately?—A. Not so very lately.

Q. Within the last two or three years?—A. Are you speaking generally about elections, or of the polls?

Q. Of the management of campaigns, a State campaign or a local campaign. I want to know whether Federal officials have been actively engaged in the local campaigns in this State in the last two or three years?—A. Yes, sir; I have seen several.

Q. Can you name any that have been particularly active?—A. Yes, sir; I have seen the gentleman you spoke of just now, Major Joyce; I have seen him pretty active at elections. I have seen Mr. Burrows.

Q. A present official, is he?—A. Yes, sir; in fact, all of these men are pretty active at elections. I always supposed it was part of their business to be so. I do not know whether I am right or not.

Q. We want to ascertain that fact.—A. They generally work pretty well at elections in this State, all of them on their side.

Q. Do you know anything of the use of money in this State for the purpose of carrying elections?—A. I have seen it used.

Q. Within the last four years?—A. I think I have.

Q. Largely?—A. Pretty extensively at times.

Q. In large amounts? How much is the largest amount you suppose has been used in an election in Rhode Island during the last four years?

—A. I do not know. There has not been such a large amount used in the last four years as there was previously. I should not think there had been what we term a large amount of money used in elections in Rhode Island during the last four years; at least it has not come under my knowledge. I have seen money used in that time, and I think it

has been generally at city elections. I do not remember at the last Presidential election seeing any money used.

Q. What is the *modus operandi*, as far as you know, of the use of money?—A. I do not know but that I am going a little too far; you may come to something I may not want to answer.

Q. You can reserve any answer you choose.—A. I do not wish to make myself an expert in these things. I know of only one person using money, and that person I do not care to speak of.

Q. Is he a Federal official?—A. He is not. He is a private citizen. I have not seen an election in Rhode Island since 1860, gubernatorial, Congressional, or anything, but what there has been more or less money used, and, further, everybody else has seen the same thing. They use it on both sides when they can get it.

Q. Large amounts?—A. Sometimes large, sometimes small.

Q. What is the largest amount you have ever known?—A. I never knew the sum total. I should think it was considerable from the amounts I have seen used in certain places.

Q. How is the money used?—A. It is used in various ways. I suppose it is promised to parties and paid to them. That is about the way it is used.

Q. Paid for their votes?—A. Yes, sir; such cases have occurred.

Q. Is there any system in regard to it?—A. I suppose so from the manner in which the party that did not have the money watched the party that did have the money. They would change the system about every election, perhaps.

Q. Do you know anything of the use of checks—a system of delivering to parties checks which were redeemed by money after they had voted?—A. I have seen such things done at elections.

Q. Those checks are made of metal, are they not?—A. I never saw any of metal.

Q. What were those you have seen made of?—A. The checks I have generally seen have been paste-board, or I believe I did one time see some old faro-bank checks used, ivory checks. I have seen them made of paste-board with "soup and goose" on them. At one election they had a soup and goose ticket. There is almost every kind. Up to a few years ago they used to buy the voters openly. There was not much check business about it then. The men that had the most money bought the most votes and bought them pretty openly. There was not much hiding about it up to about 1870.

Q. It is done more secretly now than prior to that?—A. I think the parties who want to hold offices so bad in Rhode Island do not care so much about paying for it as they used to. They have got a little tired, in my opinion. There was a party here at one time who paid for everybody, but they have got broke now and they do not pay for everybody.

Q. You have a poll-tax on native citizens in this State, I believe?—A. A registry tax.

Q. Of one dollar?—A. Yes, sir; for all except personal property or real estate voters.

Q. It is a tax which is required to be paid prior to the citizen being allowed to vote, is it not?—A. The citizen is obliged to be registered before the last day of the fiscal year, and then he is obliged to pay his tax. I think the law has been for a long while four days before an election; either he or some one for him.

Q. That is a dollar a head?—A. Yes, sir; real estate voters or personal property voters do not require that qualification. I do not know

what the change of the law has been. I have not troubled myself with elections the last year.

Q. Is there not a law now which requires the payment of a dollar before anybody can vote?

Mr. SHEFFIELD. Yes, sir; unless a person pays tax on property to a certain amount. He votes then, of course. A registered voter must register his name on or before the last day of December, and he must pay the tax on or before the second Saturday in January, which tax is to be applied for the purposes of public schools, or else he cannot vote. That is where he pays no property tax and does no military duty.

Mr. WHYTE. It is the individual who has no property who pays the one dollar registration tax.

The WITNESS. Unless he does military duty.

Mr. WHYTE. There may be exceptions, of course, but the law, as I understood it, was that nobody could vote here who was without property, unless he paid a dollar tax.

The WITNESS. Unless he does military duty.

Mr. WHYTE. Is it the habit of parties to pay this tax in bulk and distribute the receipts?

The WITNESS. It has been for years. I do not think it has been done so much within the last year or two. For years some parties wishing to obtain office used to pay the tax. At other times the old Whigs, or the Democratic, or the Republican party would pay the tax. Governor Allen is said to have got his office at a time when the Whig party was rather poor.

Mr. WHYTE. That is not evidence. We might as well stop that.

Mr. ROLLINS. You admitted it yesterday.

Mr. WHYTE. I only objected to it because it was objected to yesterday. Go on with it if you desire.

Mr. ROLLINS. I only wish the same rule to be proceeded with as yesterday. If the rule is to be changed, very well; we agree.

The WITNESS. I was merely going to say that Governor Allen was the first to my remembrance of elections. Governor Allen, the Democratic candidate, got the position in this State because, as it was said and generally conceded, he paid the registration tax. Shortly after that they not only began to pay the registration tax, which was as far as it was said the governor went, but they began to buy the voters besides.

By the CHAIRMAN:

Q. That was after Governor Allen's time?—A. Yes, sir; I do not think anybody ever accused Governor Allen buying a vote. I never heard of any such thing.

By Mr. WHYTE:

Q. You seem to date the time of the payment of the registration-tax in large amounts to Governor Allen's election?—A. No, sir; I do not mean to commence it there, but it was talked of a great deal at that time, because it was the first time the Democrats got in power, and it was a very strange thing to find a Democrat who was foolish enough or had money enough to pay the registration-tax, as they had always allowed that foolishness to be on the part of the Whig party previously.

By Mr. BECK:

Q. When was Allen elected?—A. A good many years ago. It was about the first election I voted at. It must have been 1851, I think.

Q. Was that the largest expenditure of money you know of?—A. Oh, no, sir; they used to canvass the votes in the city I am speaking of

before the board of aldermen. Canvassers would meet before the board of aldermen up to within four or five days, up to the last night of paying the tax. As a general thing the party that was in power would say to the city clerk, "be on hand, we will pay so many taxes to-night;" that is, the party that was expected to be in power, the ones that had the money, would say to the city clerk, "be on hand, and we will pay the taxes to-night." They would go forth and canvass, striking off names on one side and then striking off on the other, and then they would get on all they could. So on both sides. They would go to their respective henchmen and they would hand in names, and the tax would be paid by one party or the other. That is about the way I suppose it is done now, though I have had nothing to do with elections the past two or three years except to go and vote.

Q. I understand that a man who has property, real or personal, and pays his tax on it, can vote without paying the dollar for registration?—A. Exactly; or if he does military duty.

Q. The man who has no property has to pay the dollar tax?—A. Yes, sir; if he is registered, if his name is on the registry-list. There are a great many on one year and not on the next.

Q. But he cannot vote unless his name is on the registration-list?—A. Not unless it is on the registration-list before the last day of the year before election. The laws may have been amended within a short time, but the law was that the tax might be paid within any time up to four days before an election. There may have been a change made, I do not know how that is.

Q. Then, in Rhode Island, a man who owns nothing has to pay a dollar for the privilege of voting, and a man that does own something pays no poll-tax, no registration tax?—A. A real estate holder's tax need not be paid; his real estate is holden; but the personal property voter, if his tax is not paid, cannot vote. His tax must be paid.

Q. But the real estate owner can vote whether he pays anything or not?—A. Whether he pays tax or not; but his real estate is holden for the tax.

Q. The man who owns no property has to pay the dollar as a condition precedent to the right to vote, while the man who owns ever so much real estate can vote whether he pays it or not?—A. He can vote, but his real estate is liable to be sold for the tax.

Q. But that is the tax upon the real estate itself, and there is a lien upon that?—A. Yes, sir.

Q. The naturalized citizen cannot vote unless he owns real estate worth so much, or receives so much rent?—A. Nothing about rent; it is \$134 worth of real estate.

Q. Or if he rents property that brings him in seven dollars a year?—A. If that is the law now, I think it has been a recent change. A foreign voter can vote on his wife's property in the same way. A man may live in the city of Providence, and his wife and himself, or his wife, own property in the town of Johnson. He brings a certificate four days before the election from the town clerk of the town of Johnson, and produces it to the city clerk of Providence, and his name is put on the voting list as a voter voting on his wife's property.

Q. Her ownership was regarded as his ownership, for the purposes of exercising the right of suffrage?—A. Yes, sir; and I suppose that is the law now. I know it has been done so dozens of canvass-meetings that I have been at.

Q. The campaign committees, I understand, manage it about this way: They see who are registered, and their canvassers ascertain who

are going to vote on either side, "You go for your side and I for mine," and each pays according to his expectation of whom he can get to vote, and pays the dollar for that side?—A. If they have the money to do it, at times they pay it. I have seen times when they refused to pay it. That is what has made so light a vote in the State at times; there was not anybody ambitious enough to pay it.

Q. Or the disproportion was so great that the winning side had it easy any way, the other side could not catch up, and that would make the vote light?—A. The same way.

Q. Did you say it had been common for men to pay, until the last few years, pretty publicly?—A. Very common. It is of no use denying it; it was apparent to every child; votes have been bought and sold as free as water in the market.

Q. In a pretty tight race such as might happen for a big office, when there was some feeling about it, at what did prices generally range?—A. In 1861 and 1862 they went up pretty high at times.

Q. What do you call "pretty high"?—A. I have seen as high as \$35 paid for a colored man; I do not know how much they gave for a white one.

Q. After they quit paying so publicly, what means did you see resorted to in order to avoid its being ascertained? You spoke of checks?—A. The check system has been carried on by taking names at elections and settling with them afterwards. It has been done in various ways. It has been done by a man marching a lot of men in to vote, and then walking them a block away and handing them the money. It has been done every way they could to evade the law.

Q. The faro-checks represented different prices, different values, I suppose?—A. I do not know about that; I have seen checks given out. I never saw that done but once; that was in a ward in a city.

Q. You said the Federal officials were generally pretty active. What do you know about assessments made on Federal officials?—A. Nothing except what I have heard. I never saw any Federal official buying votes or anything of that kind. I never saw such a thing in my life. I am speaking of general elections, not of any particular party or set of men or any particular officeholders or Federal officials. It has been carried on in this State to a degree that would surpass almost any State in the Union.

By the CHAIRMAN:

Q. Be kind enough to mention the leading Federal officials in the city of Providence?—A. I suppose the leading Federal officials at the present time are the collector of customs and the postmaster.

Q. What are the politics of the collector of customs?—A. I have supposed he was a Republican always. I never saw him vote. I do not think he would hold the office unless he was a Republican.

Q. Is he an active politician?—A. I never found him so.

Q. How about the postmaster?—A. I think the postmaster is considerably more active.

Q. More active as a politician?—A. I should think he was more active than the collector of customs.

Q. Is he active in local State politics?—A. I have seen him take an interest in State politics. He is a very good, impulsive kind of a fellow, generally says what he means, and talks it out pretty straight.

Q. Active in whatever he goes at?—A. Yes, sir; business or anything else. He is one of the best postmasters we have ever had. I do not say it to flatter him. There is no doubt of that.

Q. He does participate in local politics?—A. Yes, sir.

Q. Are there any other Federal officials in Providence or in Rhode Island, anywhere that you know of, who are active politicians?—A. I should saw Mr. Burrows is a pretty active politician.

Q. Is he in the custom-house now?—A. Yes, sir; and there is another very good fellow there, Pomroy. He used to be quite an active politician. I do not know that he has been active since he has been in the custom-house; I have not seen much of it since then; before that he was an active politician.

Q. Is he the one who is the appraiser of foreign merchandise?—A. I think he is now.

Q. You spoke of "soup and goose" checks. What do you mean by that?—A. I do not know why they were got up; but there was a State election for representatives to the legislature when there was a ticket marked "soup and goose"—different tickets in different wards. They were handed out to certain men, and they called for something afterwards.

Q. On these "soup and goose" tickets?—A. Yes, sir.

Q. They were worth so much?—A. They called for certain amounts.

Q. And after the election they were presented for payment, am I to understand?—A. They were presented pretty soon after the man got away from the polls and went to another place near by.

Q. How were these places arranged?—A. Nothing more than the arrangement of any room. A man was to be found in the place holding the funds, and when these tickets were presented he paid for them as he would for any merchandise.

Q. You say it is not done so openly now?—A. I do not think it is; about city elections it has been pretty open, but not so very lately. Last year there was not much opposition; the year before it was a little more double-headed. They were going it on both sides then pretty lively, I guess. It looked so.

By Mr. ROLLINS:

Q. When the tickets you have just alluded to were used, do you remember in what year it was?—A. There are certain things I could go by to find out the year, but I cannot give you the date now.

Q. Was it previous to 1870?—A. Yes sir.

Q. Some years before that?—A. Yes, sir.

Q. Was it before 1865?—A. I will not pretend to give you the date. I know just when it was, only I do not know the year.

Q. Was not this matter thoroughly investigated by the general assembly of Rhode Island?—A. Yes, sir; it was.

Q. Do you remember about the "butterfly" tickets?—A. Yes, sir; I remember seeing men swear at that investigation before the general assembly that I saw peddling those tickets.

Q. When was that?—A. In the investigation you spoke of.

Q. At the same time?—A. Yes, sir; I remember hearing a man swear pretty forcibly, and I saw him at the election before peddling the same tickets.

Q. In your direct examination you alluded to the campaign of 1861. Do you remember who were the candidates for governor that year?—A. If I am not mistaken Seth Padelford and William Sprague. It was 1860 or 1861, I am not certain which—one of those years.

Q. Both sides and all parties indulged in this pleasant pastime?—A. I think so; one was as bad as the other, if they could only get hold of the

money. There is not much difference. Unfortunately the Democratic party has not been able to get hold of the money much in this State.

Q. You know Major Joyce?—A. Very well.

Q. Do you know about his military career?—A. I knew that he went out in the Seventh Regiment and returned with it.

Q. Can you state whether he was honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty?—A. I cannot. I suppose I have heard his record spoken of well. In fact, I do not know, though, whether to believe it or not, for the colonel of the same regiment who went out had his head blown off at Petersburg, and the Republican papers of Rhode Island called him a traitor all the way through. Still he had his head blown off all the same; and he was called traitor because he had something to say in his paper about how the war should be carried on.

Q. You are an importer of merchandise?—A. Yes, sir.

Q. Did your firm recommend the appointment of General Shaw as collector?—A. No, sir.

Q. Did you recommend his appointment?—A. No, sir.

Q. Did you or did you not recommend Major Pomroy for appointment as collector in place of Shaw?—A. I did.

Q. In regard to the registration tax, you say that under existing law a man has to pay one dollar before he can vote?—A. Unless the law has been changed very lately.

Q. When does the law require that he should pay that tax?—A. The last I knew of the law was that it required that it should be paid four days before an election. There may have been a change lately.

Q. Are you not aware that the law has been changed?—A. I understood that the law had been changed. It used to be of old that almost any resident of Providence could go in before the city clerk and take in 50 or 100 names, offer them for registration, and certify that he knew those citizens were of the right age and qualified for registration. That law I understand has been changed so that each person has to do it himself. I knew there had been that change made.

Q. And when do they have to pay?—A. I do not know about that. I am not aware that the law has been changed in that respect.

Q. If the present law requires the tax to be paid early in January, candidates cannot do what you suggested they might do some time since in your direct examination; the payment cannot be deferred until four days prior to an election?—A. Not if it is incumbent to pay it in January.

Q. When does your election take place?—A. The State election, the first Wednesday in April.

Q. When are your candidates usually nominated?—A. The conventions are generally about ten days before election.

Q. Then it would be impossible for the candidates, ordinarily, to pay this registration tax, because they would not have been nominated?—A. I do not think so, for the reason that it is generally fixed in our State so that they know something about it a considerable time beforehand. One man pays so much towards another man's election with a promise of doing so and so. "I will give so much to elect a man in Newport, if I am sent to Congress," for instance; or "I will do this," or "do that." There is a great deal of that.

Q. I think you are a Democrat?—A. I am pretty near it; I vote that ticket.

By Mr. BECK :

Q. You did not quite clearly make this fact known in speaking to the Senator from New Hampshire, that you heard men swear pretty vigorously whom you saw peddling those "butterfly" tickets ?—A. A man, I said.

Q. Did he swear that he was peddling those tickets, or swear that he was not ?—A. I heard him swear that he did not use a dollar in the election.

Q. I thought you meant that without saying it ; I only wanted it made clear.

By Mr. WHYTE :

Q. Do you know whether or not your firm recommended the retention of Mr. Joyce in the custom-house ?—A. Yes, sir ; it did.

GEORGE BRIDGE sworn and examined.

By the CHAIRMAN :

Question. Where do you reside ?—Answer. In Providence.

Q. What is your business ?—A. I am an importer of foreign goods—calico printers' supplies, principally—drugs and chemicals.

Q. How long have you been in business there ?—A. I have been in business 18 years.

Q. Are you acquainted with Major Joyce ?—A. Yes, sir.

Q. Do you know him well ?—A. Yes, sir.

Q. Did you know him when he was an officer in the custom-house ?—A. Yes, sir.

Q. Did you have any transactions with him ?—A. Yes, sir.

Q. Were those transactions satisfactory to you ?—A. Perfectly.

Q. Do you regard him as an efficient, competent, and honest man ?—A. Yes, sir.

Q. Do you know whether or not he was a soldier during the war ?—A. I do not, only from having heard previous witnesses. I was not acquainted with him until he became an officer in the custom-house.

Q. From your knowledge of his reputation and character, and services as an official in the custom-house, is there any reason for his discharge that you know of ?—A. None whatever to my knowledge. I always thought he was a very efficient man in his capacity, very particular about having goods examined and in carrying his duties out to the full extent.

Q. Did you recommend his retention in the custom-house when General Shaw went out ?—A. Yes, sir.

By Mr. ROLLINS :

Q. Are you acquainted with the present collector of the port of Providence ?—A. I am not personally acquainted with him ; I never spoke to the gentleman in my life, but I have known him for a great many years by reputation.

Q. Is your business at the Providence custom-house properly discharged at the present time ?—A. Yes, sir.

Q. Have you any reason to complain of the manner in which business is conducted there ?—A. None whatever.

Q. The officers are good and efficient in all respects ?—A. As far as my knowledge goes.

Q. You have no reason to complain ?—A. None.

By the CHAIRMAN:

Q. In dealing with the custom-house now, do you not as a matter of fact deal with the subordinates rather than with the collector?—A. Principally so. General Goff is the party I generally come in contact with.

Q. So that you have had in point of fact very little experience as to the capacity of the present collector, as far as his individual action is concerned?—A. Very little.

Q. Has that always been the case?—A. Yes, that has been so principally. I used to come sometimes in contact with General Shaw, but it was in the absence of General Goff; then he used to fix the invoices.

Q. Was General Shaw a competent officer?—A. I always thought so; a very honest man. I recommended General Shaw for reappointment.

Q. Does it come within your knowledge that it was pretty generally done by the leading business houses of Providence, that General Shaw was recommended for reappointment?—A. Yes, sir; I always heard him spoken of very highly.

By Mr. ROLLINS:

Q. Are the present subordinates in the Providence custom-house, so far as the discharge of their official duties is concerned, satisfactory to those who have business there, to yourself particularly?—A. Particularly to myself, all are; I find they are courteous.

Q. Good and efficient officers?—A. Yes, sir.

Q. You know of no reason why they should not have been appointed?—A. None whatever.

RICHARD H. RYDER sworn and examined.

By the CHAIRMAN:

Question. What is your business?—Answer. Importer of salt, principally.

Q. Where?—A. At Providence, from the West Indies.

Q. How long have you been in that business?—A. I have been in business about nine years; in Providence about six. I was at Pawtucket before that, in the same collection district.

Q. Do you know Major Joyce who has been spoken of here?—A. I do.

Q. Do you know him well?—A. Not further than my business transactions with him; nothing outside.

Q. In the capacity of an officer of the custom-house was he a competent, honest, and capable man?—A. I think he was very much so. I considered him the best man, or at least the equal of any man we had on our vessels. We had him, I think, more than any other one of the inspectors.

Q. Do you know what were his politics?—A. I do not.

Q. Do you know that he was a Union soldier during the war; or does that come within your knowledge?—A. Only from hearing other people say so. I have no specific knowledge to that effect.

Q. Do you know any reason for his discharge from that duty?—A. I do not.

Q. Did your firm recommend his appointment to the custom-house?—A. I could not say. My brother might have done it; I did not do it myself and do not know whether it was done.

By Mr. ROLLINS :

Q. You say Mr. Joyce was an honest and competent official ?—A. As far as I knew he was.

Q. Are not the present officials honest and competent in the Providence custom-house ?—A. They are, as far as I know.

Q. Have you had occasion to make complaint of the manner in which the business of the port is conducted ?—A. No, sir.

Q. You have no reason to complain ?—A. No, sir.

Q. It is entirely satisfactory ?—A. Yes, sir.

CHARLES H. GEORGE sworn and examined.

By the CHAIRMAN :

Question. Do you know Major Joyce ?—Answer. I do.

Q. How long have you known him ?—A. I have known him for 15 years.

Q. What is your business ?—A. I am a merchant, in the hardware trade.

Q. An importer ?—A. Yes, sir.

Q. At what point ?—A. Providence.

Q. Did you know Major Joyce when he was an officer in the custom-house ?—A. I did.

Q. Did you have any transactions with him ?—A. In his professional way as an official in the custom-house ; yes, sir.

Q. Did you find him a competent officer ?—A. Certainly we did ; always efficient and accommodating and able.

Q. From what you know of his capacity as an official in the custom-house, is there any reason for his discharge ?—A. I should think not.

Q. Do you know the fact that he was a Union soldier during the war or not ?—A. I know that he was.

Q. An honorably discharged soldier ?—A. Yes, sir.

Q. Do you know the present collector of the port of Providence ?—A. I do.

Q. Was he a soldier or a civilian ?—A. He was a civilian during the war ; a good man, though.

Q. Did you recommend Major Joyce's reappointment ?—A. I did.

By Mr. ROLLINS :

Q. You are acquainted with Major Joyce. Do you know something of his military record ?—A. I only know that he served during the major part of the war, and honorably, too.

Q. Do you know that he was honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty ?—A. I cannot say that.

Q. I merely ask that, because that is the language of the statute.—A. I do not know about that.

Q. In conducting your business with the custom-house officers at the port of Providence, have you found the present officials, collector and subordinates, competent, efficient, accommodating, and able officers ?—A. I have ; that is what I said, I believe.

HORATIO R. NIGHTINGALE sworn and examined.

By the CHAIRMAN :

Question. What is your place of residence ?—Answer. Providence.

Q. What is your business ?—A. Iron and steel.

Q. An importer ?—A. Yes, sir.

Q. You are acquainted with General James Shaw ?—A. Yes, sir.

Q. Did you know him when he was collector of the port ?—A. Yes, sir.

Q. Had you any transactions with him as collector ?—A. Yes, sir ; constantly.

Q. Did you find him a competent and efficient officer ?—A. Very, indeed ; the best we have had in the custom-house for 30 years.

Q. From your knowledge of his capacity as an official in the custom-house, and having regard to that, is there any reason for his removal from that position ?—A. I do not think there is.

Q. Do you know anything of his military career ?—A. Nothing personally ; nothing more than general reputation.

Q. He had the reputation of being a Union soldier during the war ?—A. Yes, sir.

Q. An honor to the service ?—A. Yes, sir ; a very excellent record, as I understand it.

Q. Did you know Major Joyce when he was an official in the custom-house ?—A. Yes, sir.

Q. Had you any transactions with him as inspector ?—A. Yes, sir.

Q. Were they satisfactory ?—A. Entirely.

Q. Do you regard him as a competent and capable officer ?—A. I do.

Q. Was there any reason for his discharge, having regard to his competency ?—A. None that I know of.

Q. Was he a Union soldier also during the war ?—A. Yes, sir ; I do not know it personally, but I have understood so.

Q. Do you know the present collector of customs ?—A. Yes, sir.

Q. Was he a soldier or a civilian during the war ?—A. A civilian.

Q. What is his age ?—A. I do not know ; I should think a little over 70.

By Mr. ROLLINS :

Q. Do you know that either General Shaw or Major Joyce was honorably discharged from the military or naval service by reason of disability, resulting from wounds or sickness incurred in the line of duty ?—A. I have no personal knowledge.

Q. You have business with the present custom-house officials at Providence ?—A. Yes, sir.

Q. Do you find the present officials, collector and subordinates, all competent and efficient officers ?—A. I know nothing to the contrary. I have had no official connection with the collector, no business with him particularly. It has all been done through the deputy, General Goff.

Q. So far as your experience goes, you have found that he discharges his duties properly ?—A. Yes, sir.

Q. Do you know of any reason why the present collector, Mr. Harris, should not be appointed collector ?—A. No, sir.

EDMUND F. PRENTISS sworn and examined.

By the CHAIRMAN :

Question. Where do you reside ?—Answer. In the city of Providence

Q. How long have you lived there ?—A. Nearly 42 years. I was born there.

Q. Are you familiar with the politics of Providence and Rhode Island ?—A. I have taken an active part in politics since the year 1859 ; ever since I first voted, I might say, with the exception of the time I was in the service during the war.

Q. Were you a soldier during the war ?—A. I was. I was mustered in the 5th of June, 1861, and was discharged the 4th day of November, 1864, on account of being wounded.

Q. Have you held any civil office since that time ?—A. I have been clerk and warden of the fourth ward of the city for, I should think, some six or seven years. I have acted in different capacities, either as clerk or warden of the ward.

Q. Do you know the Federal officials on duty in Providence, or elsewhere in Rhode Island ?—A. I am acquainted with the postmaster ; I was acquainted with General Shaw, the former collector of customs, and Mr. Burrows, the appraiser of merchandise.

Q. You stated a while ago that you were quite familiar with the run of politics. Are those Federal officials active ? And, if so, which of them, in State and local politics ?—A. General Brayton is quite an active politician ; in fact, he is a very active man every way.

Q. Are you a Republican ?—A. I am. I have voted the Democratic ticket on one or two occasions, but I think only twice during my time of voting.

Q. You know General Brayton ?—A. Yes, sir.

Q. You say he is an active politician in local matters ?—A. I should consider him as such.

Q. Did you ever see any money used in elections, and, if so, how and when, and in what manner, in Providence, or anywhere in Rhode Island ?—A. In the contest between Governor Sprague and Governor Padelford ; I was private secretary for Mr. Padelford during that campaign, and, in fact, took checks which were drawn by Mr. Padelford, and drew the money from the bank nearly all of it, which was used during that campaign.

Q. How was it used ?—A. So far as my knowledge extends it was given to different men from different sections of the State who would come to headquarters. We had what was called a kind of private room. These men would state about the amount of money that was necessary for legitimate purposes, as they called it. I suppose it was properly used for such purposes. Mr. Padelford would inquire about how much was necessary, and the amount of money would be given to these men and they would give a receipt for it. In the city it was worked rather differently. Men there could come right to headquarters and get it during the day of election, and in fact during the whole time the canvass was going on.

Q. You dealt directly with the voters there ?—A. The men in Providence could come to headquarters and get the money there and then use it outside.

Q. How would they use it ; what was the plan adopted ?—A. I cannot say from my own knowledge, because I was confined principally there to headquarters ; I cannot say how the money was used outside during that campaign ; but the natural supposition was that it was used. I do not know that it was exactly to buy men, but to control their votes. That, of course, was the intention.

Q. Do you know anything about the use of checks or trap-doors in elections, or the payment of money ?—A. The year that George L. Clarke was elected mayor of the city of Providence there was quite a

moneyed contest at that time. I do not know really whether I want to tell; I do not know that I want to say much about that. I may perhaps mix myself up in it if I say a great deal.

Q. I do not think there is any danger of that.—A. Well, money was used during that campaign.

Q. What year was that?—A. I am under the impression it was 1868; I am not positive. It was 1868 or 1869, I think. I would not state positively the year.

Q. Just explain how. Of course we cannot require you to criminate yourself.—A. I can only say that in the 4th ward, which I was at that time working in, we had a system of hiring men, paying them for their services as it was called. We had a building, or a portion of a building, which was probably some 300 or 400 feet away from where the voting-place was. A man was given a check; he passed from one room which was entirely dark, so much so that a man had to be pretty well accustomed to go through it, and then passed into another room, where he placed this check through a pigeon-hole, and when he placed the check in there the money was passed out to correspond with the figures on the check.

Q. He did not see the man who paid the money, then?—A. The man who put the check in could not really see the man himself, because the hole where he put it in was rather small, just about big enough for him to put the check through.

Q. Did you ever see any trap door arrangements?—A. No; I never did.

Q. Have you heard of those?—A. I do not know that I ever did.

Q. Do you know anything of the "soup and goose" checks?—A. I only know from what I have heard. I know nothing personally in regard to that matter. I know that such things were done, and I believe the matter was investigated by the legislature. I am under the impression it was. I know nothing positively of my own knowledge in regard to those "soup and goose" checks. I never saw one.

Q. Coming down a little later; how has it been in later years?—A. There has always been more or less money used where there has been a contest at all. Some years of course there has not been much of a contest.

Q. How about three years ago, say?—A. I think there was no contest. I think Governor Van Zandt has been governor two years; I do not know but three.

Q. I do not speak in reference to any special election, but I merely want to know in the general for the last three or four years.—A. There has been money used within three or four years; within four years certainly.

Q. Has the use of it come within your personal knowledge?—A. I never have myself used any money within that time. I have received money for services of my own.

Q. From whom?—A. I received money from General Brayton, the postmaster.

Q. For election purposes?—A. Well, for work which I had done.

Q. What kind of work?—A. I suppose you would call it political work.

Q. Did he pay you the money?—A. He did.

Q. Who was present when he paid it?—A. I cannot remember. I should think there were four or five persons in the room; there might have been more.

Q. Can you mention the names of any one or two persons?—A. Mr.

Burrows, if my impression is right, and I am pretty positive I am; Mr. Burrows was present.

By Mr. BECK:

Q. Which Burrows? There were three of them in the custom-house.—A. I mean the one who is appraiser of foreign merchandise; E. G. Burrows, I believe, is his name—the one who was formerly in the clothing business, and I do not know but that he is now.

By the CHAIRMAN:

Q. Was this amount that he paid you agreed upon beforehand?—A. No, sir; there was no stipulated sum set. I was told to go to work, and I went to work. I could not say now who set me to work really. That I did not care anything about; that was not what I looked at particularly.

Q. How did he come to pay you any specified amount? Did anybody suggest any amount that he would pay you?—A. I think there was a gentleman there who told him to pay me the same as the rest had received.

Q. What did this gentleman say? Do you remember the exact language, or as nearly as possible the substance of it?—A. I think the way it happened—I am under the impression it was the last time Lippitt was elected governor, though my memory is treacherous—we had the headquarters on Custom-house street, or the entrance was on Custom-house street, opposite the custom-house building, upstairs. This gentleman asked me if I had received my pay, and I told him that Colonel Lippitt had paid me, and I was perfectly satisfied with that. He asked if I had received money from any other source. I told him I had not. Said he, "You ought to have it, and if you go with me I will see that you have it." I went with him and received my money.

Q. Who was that gentleman?—A. I do not want to tell, unless I am obliged to—unless the committee say I must. Of course, if they do, I shall be obliged to tell.

By Mr. WHYTE:

Q. Is he a public officer?—A. He is.

Q. In the custom house?—A. No, sir.

Q. In the post-office?—A. No, sir.

Q. What branch of the service?—A. Representative in Congress.

Mr. ROLLINS. I think, in justice to all parties, we should have the name.

The CHAIRMAN. I have no objection in the world, but I had no disposition to force it.

Mr. ROLLINS. He has stated it was a Representative in Congress.

The CHAIRMAN. Do you desire his name?

Mr. ROLLINS. Certainly.

Mr. BECK. I have no objection; but a member of Congress is not a Federal officer.

Mr. WHYTE. If he was a Federal officer, I should have insisted on an answer.

Mr. ROLLINS. I think we had better have his name.

The CHAIRMAN. Very well.

The WITNESS. Mr. Aldrich, the Representative from the eastern district.

By the CHAIRMAN:

Q. Did Mr. Brayton pay you the money after Mr. Aldrich made that suggestion to him?—A. He did.

By Mr. BECK:

Q. What kind of work had you been doing?—A. Principally canvassing in the ward.

Q. What do you mean by that?—A. I mean by canvassing, finding out how men were going to vote, and getting men to vote; finding out the relative strength of parties, &c.

Q. Finding out how men would vote; reporting back to headquarters; keeping up the organization, and doing the general work of a canvasser?—A. That was about the duty. Of course I had to see how the parties stood.

Q. And you were employed at first without any particular sum being named, but told to go to work, and when you received part of your pay you were not paid as much as you thought you ought to have been, and were paid the balance?—A. That is not it. I was told to go to work, and Colonel Lippitt's son paid me for the work I had done for their party, and then this seemed to be a different branch entirely.

Q. What were the two branches?—A. I do not remember myself what the other election was that was in connection with that, whether it was in regard to members of the legislature or not. I am not positive. I cannot swear to that.

Q. But you had received your pay for a portion of your time, one branch of the work?—A. Yes, sir.

By Mr. WRIGHT:

Q. That was for the governor's election?—A. Yes, sir; for working for Mr. Lippitt himself.

By Mr. BECK:

Q. And the other was for what election—that for representatives?—A. I do not remember what it was for. It was certainly for some sort of work, or I should not have had any money for it.

Q. Do you remember the amount that was paid you?—A. I do not; my impression is it was somewhere in the neighborhood of \$50; I would not state positively.

Q. Do you mean \$50 both times, or \$50 the last time?—A. \$50 the last time—about that; I will not state positively that it was \$50. I received more than that from the other party.

Q. Was that money for your personal services?—A. Yes, sir.

Q. Mr. Lippitt was candidate for governor?—A. I am under the impression it was Mr. Lippitt who was candidate for governor at that time. I think it was three years ago, in 1876, or the year before that, I am not positive; my memory is very poor about dates. I know that Colonel Lippitt, Governor Lippitt's son, paid me some money, and then I was asked if I had received anything from another source, and I said no, and this gentleman said to come with him and he would see that I had it.

By Mr. WHYTE:

Q. And that gentleman was the member of the House?—A. Yes, sir; the present member; not a member at that time, but a member at this time.

By Mr. CHANDLER:

Q. In canvassing what were your particular duties—to get the name of every voter, and how he would probably vote in a given district?—A. We are divided up in the city into wards, and I had a particular ward. Outside of that I had nothing to do.

Q. You were hired to get the names of all the voters in that ward,

and to report how each voter would vote, so far as you could ascertain ?
—A. Yes, sir; that was the intencion of canvassing.

By Mr. ROLLINS :

Q. And get the voters to the polls ?—A. That is generally considered a part of it, but sometimes they might have one man to canvass, and that man's duties might end there. They might think that somebody else would be a better man to attend to election day.

Q. In short, you did the ordinary work of canvassing your ward and getting ready for a political struggle ?—A. Yes, sir.

Q. And the money was paid for the incidental expenses of that canvass ?—A. What money I received was paid me for my individual services.

Q. In conducting the canvass ?—A. Yes, sir.

Q. Was any of this money for the purpose of buying votes ?—A. No, sir; I never bought a vote with it.

Q. The expenditure was legitimate and proper ?—A. It was what they considered my services were worth for what I had done.

Q. Was Mr. Aldrich at that time a member of Congress ?—A. No, sir; Mr. Aldrich, if I remember rightly, was then either a member of the general assembly or a candidate for general assembly. I am not positive. I know he has been in the general assembly, but what years he has been there I do not know. As I said before, I cannot remember dates very well.

By Mr. WHYTE :

Q. Was General Brayton postmaster at the time ?—A. He was.

By Mr. ROLLINS :

Q. Did you make any arrangement with General Brayton in advance or fix any amount which you should be paid ?—A. No. As I said before, I have forgotten who told me to go to work, but I know that General Brayton himself did not set me to work, but I do not remember who did. I was satisfied, however, that the party was a responsible party, and that I should receive some compensation for what I did.

Q. No price was mentioned ?—A. None.

Q. Therefore there was no attempt to cut down any price, no price having been fixed ?—A. No, sir; I did not know what I was going to receive, and if I had not received anything I should probably have been just as well satisfied. Of course I did not object to taking all I could get. If they had any money to use and to spare of course I was willing to take my share of it.

Q. It has been stated that there was an attempt to cut down the price which you were to receive by some one. Was such the case? Was there any attempt to cut down the price which you were to receive ?—A. You mean the amount of money I received from General Brayton, was there any attempt to cut that down ?

Q. I do ask that.—A. No, sir; as I testified before, I did not know how much I was to receive.

Q. I merely asked for the purpose of forming my own impression in regard to it.—A. There was no sum stated at all.

Q. And any statement of that kind would be simply incorrect ?—A. Yes, sir; I was perfectly satisfied with what I received. I do not know but that I got overpaid for what I did.

By THE CHAIRMAN :

Q. Does it come within your personal knowledge or not, that any

money was paid for votes at that election?—A. It does not, because at that time I was what we call behind the ballot-box, and consequently I could not see or could not know. I can always tell on voting days how it is when people come up. We have a class of men (it is rather a disgrace to Rhode Island, it is true, but we have a class of men) who will hang around the voting places until something turns up. They will come early in the morning, and stay around there until the spirit begins to move, and then you will see them drop out, and then they will come in by squads. Of course I had no personal knowledge what was being done, but I knew that something was being done—that men were receiving either money or something else to stimulate them to come up and vote. The most of them in our ward—the large majority of those that we depend upon getting in that way—were from the opposite party.

Q. That is, you were buying up democrats?—A. Yes, sir; they were a class of voters, mostly young men that probably had no politics in reality. They were foreigners mostly, or rather their parents were foreigners. They would hang around election days, until something was done. Then you would see them gradually drop out, and then they would come in in squads of eight or ten, and I have seen as high as 30 or 40 come in a crowd with ballots in their hands.

Q. Do you know what is generally paid a head?—A. There have been different prices. I think during the Sprague canvass there was as high as \$30 or \$35 paid for voters.

Q. For one man?—A. Yes, sir; but generally the price is not so much. I think in the Clarke campaign; they paid \$10 to \$15. The price varies from \$2 up; it depends altogether on circumstances, how much they need them.

Q. That has been the general custom up to 1876, you say?—A. I am sorry to say that it has been.

By Mr. BECK:

Q. During the time you were working in your ward when you were getting the names of men who were entitled to vote, and those not entitled to vote, were you also soliciting men to come and vote on your side?—A. I endeavored to get men, for instance personal friends, men that I was acquainted with, to vote right for the party that was hiring me.

Q. And among that class of men were young men who had no politics. Was it part of your duty to solicit them to go and vote, as far as you could find out men of that class?—A. I considered it part of my duty to get all the votes I could for the party I was working for.

Q. As to that class of men you were just speaking of as hanging about, did you give them any assurance that if they would go at any day to any place they would find somebody who would be there, and they would find it all right?—A. I probably told them it would be all right.

Q. Was it not the most efficient kind of electioneering you did to have those kind of men about—men who handled money—to make it all right?—A. I probably told those men if they came up and voted, I would see that everything was all straight.

Q. And your recollection is that during that time, although you were behind the polls and did not see any money paid, you did that day see these men you had talked to hang around for awhile, and then came up in squads with their ballots in their hands and vote?—A. Yes, sir.

Q. Was it after all that was done that General Brayton paid you the money?—A. Yes; it was after the election was over, I think.

Q. You think you had done pretty efficient work during your can-

vass in getting fellows up?—A. I thought I had done probably all they required of me to do. I felt as if I ought to have something.

Q. Did your side win?—A. Yes, sir; our side about always wins in Rhode Island.

Q. In that ward?—A. I do not know that the 4th ward ever went Democratic since I have been in that ward. No; I will not say that. I know we carried the ward for J. B. Barnaby. I voted for Mr. Barnaby myself and worked for him.

Q. What did votes range at that year, according to your best recollection, among the class of men you have described—young men who had no politics?—A. This year I received this money?

Q. Yes, sir.—A. I don't know. I never asked men whether they got anything or not. I suppose they did have pay; if they had not they would not have been after me.

Q. You judge from that?—A. I have not any doubt that they received something.

Q. Do you remember about what rate they were paid?—A. I do not know.

Q. Was it a year for high pay or low pay?—A. If they got anything they did not get over a couple of dollars apiece.

Q. Where did General Brayton get that money which he paid you, do you know?—A. I am sure I could not tell you.

Q. He was a Federal official, a postmaster, and you might have had some communication with him. Was it collected by subscription, or was it by assessments on Federal office holders?—A. That I certainly do not know.

Q. Had you any communication on that subject with any of the managers?—A. I had not. We have three or four distinct classes. We have those, to use a professional term, who are star actors, and those who are low comedians, and men who are supes. I do not know in which class I came.

Q. You were not a star?—A. No, sir.

Q. General Brayton was?—A. I suppose he would have ranked as such.

By the CHAIRMAN:

Q. Have you any colored people in Providence?—A. Yes, sir.

Q. About how many?—A. You mean colored population.

Q. Yes, sir.—A. I could only say in regard to my ward. We have, I think, in the fourth ward 10 or 12 voters.

Q. Are some of them intelligent men?—A. Yes, sir; some of them are and some of them are, perhaps, not so much so; some of them are rather block-headed, but some of them are quite smart, intelligent people.

Q. Are any of them employed in the custom-house as officials?—A. I never heard of any such. I have been in the custom-house a good deal. I never saw any there. I do not know of any colored people who hold office in Rhode Island.

Q. Are there any of them in the general assembly of Rhode Island?—A. I think not.

Q. Any on the police force?—A. No, sir.

Q. Any in the post-office that you know of?—A. Not that I know of. I have never seen one about there.

Q. About how many colored voters have you in the city of Providence?—A. I cannot tell you. I only know more particularly about my own ward.

Q. Would that be an average of the city?—A. No, sir. The ward which I represent is one of the smallest wards in the city.

Q. How many wards have you in Providence?—A. Ten, and one of those is divided into two districts.

Q. How do they generally vote?—A. The colored people?

Q. Yes, sir.—A. They generally vote the Republican ticket.

By Mr. ROLLINS:

Q. Is the class of voters you alluded to as hanging around the polls waiting for something to turn up composed, as a general thing, of registered voters?—A. Yes, sir. It is very seldom you can buy the property voters, although I have known instances where the votes of men who owned real estate have been purchasable; but it is mostly the registered voters.

Q. Do both parties enter into this scheme of paying the registration tax and making an active canvass in the various wards?—A. Not so much now as has been done formerly.

Q. That has been the practice of both parties?—A. Yes, sir. The law has been changed now, so that it is supposed each man pays his own registration tax, but it is not conformed to strictly.

Q. When are men required under the existing law to pay the registration tax?—A. The registration tax must be paid on or before the second Saturday in January preceding the State election, which takes place on the first Wednesday in April.

Q. What was the political character of the legislature that changed the law in that regard? Was it Democratic or Republican?—A. The legislature has been largely Republican.

Q. It was Republican at that time?—A. Yes, sir.

Q. Then the change was made by the Republican party of Rhode Island in this regard?—A. Yes, sir.

Q. Were you authorized to promise any money to voters by Postmaster Brayton in the canvass to which you referred?—A. No, sir; because, as I told you previously, I had nothing to do with the postmaster until I received my money.

Q. You had no instructions whatever from him on that point?—A. No, sir; the only thing I had to do with him was his paying me the money.

Q. You say that the colored people do not hold any offices in the custom-house?—A. I say not to my knowledge. I never have seen any there. I have been there a number of times, because I am acquainted with some men who are there. The deputy collector is a particular friend of mine, was in the Army with me.

Q. Is the fact of their not holding office due to any distinction on account of race or color?—A. That is a question I cannot answer. I do not know that any colored man has ever been nominated for office.

Q. Or applied?—A. I do not know of any such; they are on the jury sometimes. I believe one year a colored man ran on the assembly ticket; yes, I guess last year one ran on the assembly ticket.

By the CHAIRMAN:

Q. Was he elected?—A. No, sir; he ran on the opposite ticket.

By Mr. CHANDLER:

Q. On the Democratic ticket?—A. Yes, sir.

By Mr. BECK:

Q. Negroes have a right to run?—A. There is no law against it.

Q. It is only the poor white citizen, who was born free and owns no property that Rhode Island does not allow to have anything?—A. It is the foreign-born citizen who has not acquired any real estate.

Q. The negro, whether he holds real estate or not, is protected, absolutely equal with the richest owner both by the laws of the United States and the laws of Rhode Island?—A. Not exactly in that respect, because a man who holds real estate can vote for offices which a registered voter cannot vote for.

Q. What are they?—A. The registered voter votes for what we call general officers; and the man who pays the real-estate tax and the personal-property tax votes for what we call the board of aldermen and the common council, the city officers.

Q. For all general offices, State and Federal?—A. For all general offices the negro has the same right to vote as a man worth a million.

Q. And the foreign-born citizen, although he may be a citizen of the United States, is deprived of the right of suffrage?—A. Unless he owns real estate.

Q. He may have been a discharged Union soldier and have fought all through the war and still be disfranchised?—A. I know a number of them right in my own ward that were soldiers.

Q. And are so disfranchised?—A. Yes, sir. I do not want to advance any ideas of my own, but I merely wish to state that, although a Republican, I have voted for the amendments that have been offered, because I believed it a matter of right and justice. I have always voted in favor of them.

Q. You have stated the facts in regard to that?—A. Yes, sir.

WILLIAM H. JOYCE sworn and examined.

By the CHAIRMAN:

Question. What is your age?—Answer. Forty-five last July.

Q. Were you a soldier in the late war in the Union Army?—A. I was.

Q. Be good enough to state in what capacity.—A. I entered the service on the first call of the President for State troops in 1861, in the First Regiment Rhode Island Detached Militia, under Colonel (now General) Burnside. Subsequently I was commissioned first lieutenant in the Seventh Rhode Island, promoted captain therein for gallantry at the battle of Fredericksburg, Va, and subsequently promoted major for gallant and meritorious services during the war.

Q. When were you discharged?—A. By reason of the termination of the war and my services being no longer required.

Q. When?—A. June, 1865, I believe.

Q. Honorably discharged?—A. Yes, sir.

Q. Have you ever held since the war a Federal appointment?—A. Yes, sir; I have held several of them.

Q. When was the last?—A. The last was in the Providence custom-house.

Q. In what capacity?—A. Foreign inspector, weigher, gauger, and measurer, to which the duties of admeasurement of vessels were subsequently added.

Q. How long were you in that position?—A. My commission was dated July 24, 1871, and I was discharged from the custom-house May 4, 1879.

Q. Was any reason assigned for your discharge?—A. None to me. I inquired of the collector if there were any charges, or if he could give me any reasons for making the change, and his response was that he was not obliged to give any.

Q. Did the present collector discharge you?—A. Yes, sir.

Q. Are you a voter in Rhode Island?—A. No, sir; I am not.

Q. Why?—A. I do not hold the requisite amount of real estate to qualify me.

Q. Are you foreign born?—A. Yes, sir; a foreign-born citizen, but a citizen of the United States by naturalization.

Q. How long did you serve in the war, in round numbers?—A. The service was not continuous. The first regiment I entered was a three months' regiment, and I was discharged by reason of the expiration of the term of service. I did not re-enter the service until September, 1862, when I became first lieutenant in the Seventh Regiment.

Q. Then you continued until the termination of the war?—A. Yes, sir.

Q. Being about three years?—A. Yes, sir.

Q. I understand you to say that no complaint had been made as to the manner of your discharge of your duties in the custom-house so far as you were aware?—A. I never was officially apprised of any complaint.

Q. Do you know why you were discharged?—A. My understanding of it was that I was discharged in order to make a place for a former clerk of the present collector that needed the position.

Q. Was he a soldier or a civilian?—A. A civilian.

Q. Have you a family depending on your exertions?—A. Yes, sir; I have a wife and five children.

Q. Has the man who was put in your place a family?—A. I understand he is a single man. I could not state positively, of course, in regard to that, but that is the general understanding.

Q. During your term of service in the custom-house was it practicable, or possible, or feasible, for you to do any other business than your duties as a custom-house officer? Had you not to rely, in other words, on your salary there for your support?—Always; the regulations of the Treasury Department forbid any officer engaging in other business while an officer of the revenue without special permission, as I understand, from the department at Washington.

Q. Have you seen the civil-service rules that have been promulgated, from time to time, by the Secretary of the Treasury?—A. Yes, sir; they were presented to me through Collector Shaw for my information and guidance, and to all the other officers in the custom-house, with the request that we should govern ourselves accordingly.

Q. Does it come within your knowledge that one of the employés or officials in the custom-house has another civil position outside of his position as a custom-house employé?—A. Yes, sir; I know one inspector.

Q. What is his business?—A. Mr. Arnold; he is marine reporter for the Providence Journal. He is coastwise inspector of customs and marine reporter for the Journal, I understand.

Q. Was he a soldier or a civilian?—A. A civilian.

Q. Do you know whether he draws pay as reporter or not?—A. I should judge from the disposition of the man that it was not a labor of love on his part. He probably receives compensation for it.

Q. Do you know of any other custom-house official doing any business outside?—A. I do.

Q. State it.—A. I know that when Major Pomroy was appointed to a position in the custom-house he held a clerkship in a coal office in Providence. I do not know that he holds that position to-day.

Q. At the time he received that position he had a position in a coal office, you say?—A. Yes, sir.

Q. What was his position in the coal office?—A. He took orders for

coal and received payment therefor, and did any other business that his employers desired of him.

Q. Do you know what his compensation was in that capacity?—A. I do not.

Q. He had a salary though, I suppose?—A. I presume he had.

Q. Were any assessments ever made upon you for political purposes while you held a position in the custom-house?—A. Well, I received circulars; one in particular I remember from Secretary Gorham, of the United States Senate, who was acting as secretary of the National Republican Committee, stating that a contribution was desired from me to aid in the support of the party. I believe the amount was somewhere in the vicinity of \$11; \$10.80, or something like that—the portion that was allotted to me to aid in bearing the expenses of the coming campaign for Representatives and Senators to Congress. I think that was the purport of the circular. I did not preserve it.

Q. What per cent. would that have been on your salary?—A. At that time I was receiving \$1,095 a year.

Q. About one per cent.?—A. Yes.

Q. Did you respond?—A. I did not.

Q. Do you now recall any other notices to contribute, as it is called, that you received?—A. I cannot recall positively any other notice.

Q. Does it come within your knowledge that other employes of the custom-house did respond to that demand?—A. I do not know whether any response was made by others or not. I know that I did not respond. I positively declined to do it.

Q. Upon what ground?—A. For the reason that I thought I had done enough for the country and for the party without contributing money.

Q. Did you not to some extent regard it as a violation of the civil service rules as promulgated?—A. Yes, sir; I regarded it so at the time.

By Mr. BECK:

Q. I want you to state again your story as connectedly as you can. You are 45 years of age, I understand?—A. Yes, sir.

Q. You have a wife and five children depending on you for support?—A. Yes, sir.

Q. State briefly your length of service in the war, the positions you held, and the promotions made.—A. I first entered as a private Company C, First Rhode Island Detached Militia; served the full term was discharged by reason of expiration of term; re entered the service as first lieutenant in the Seventh Rhode Island Volunteers; September 6, 1862, I was mustered in; was promoted captain in the December following—December 13, 1862—and subsequently promoted major.

Q. You were promoted for gallant services where?—A. At the first battle of Fredericksburg, December 13, 1862.

Q. And again promoted major for gallant and meritorious services?—A. Yes, sir; that is embodied in my commission.

Q. Those facts are set forth in your commission?—A. Yes, sir.

Q. And you served till the end of the war?—A. Yes, sir.

Q. Then you held two other positions, I understood you to say, which you did not name before?—A. The first position I held on my return to civil life, I think, was assistant United States marshal for taking the census in 1870; the next position, I was appointed storekeeper in the internal-revenue service. A short time after getting through with my duties as assistant marshal, while acting as storekeeper in this district there was no particular duty for me to perform by reason of the fact

leries to which I was assigned being closed up. The then internal-revenue collector, Mr. Eames, deputized me as a deputy collector, and I performed duty as such and collected the internal-revenue taxes in North Providence and in this city, a portion of them.

Q. Then you were appointed to the custom-house?—A. I resigned my position as storekeeper. I was actively engaged as storekeeper when I did resign to accept a position in the custom-house tendered me by Collector Shaw.

Q. Was any fault found with you in the discharge of any of your duties either as soldier or civilian?—A. I never knew of any.

Q. As either being dishonest or unfaithful or incompetent?—A. I challenge the strictest scrutiny on that point.

Q. And no complaint was made against you when you were discharged in May last?—A. None. I inquired for the reasons, but the collector peremptorily declined to give any reasons.

Q. You say your place was given to a man who had never served the country, that you know of, at least in the Army?—A. He could not have served; he was too young to serve at that time.

Q. A single man?—A. Yes, sir.

Q. A former clerk of the collector?—A. So I understand.

Q. Who was himself a civilian during the war?—A. Yes, sir.

Q. And when the Gorham circular came to you, you declined to pay anything, and gave your reasons—that you had served the country, you thought, sufficiently, and were unable to do it?—A. Yes, sir.

Q. And your head is off and you are out of public office now; that is the fact?—A. Yes, sir.

Q. Do you think that your refusal to pay that money had anything to do with this young man getting your place and your being discharged? What is your own opinion about it?—A. It has been stated to me since I was discharged, from parties interested, that I could have influenced a great many votes amongst the foreign-born citizens for the party, but that I was inactive. That had something to do in regard to the discharge.

Q. I understood you to say that you yourself are not even allowed to vote?—A. No, sir; I am not.

Q. Was it expected that you, disfranchised yourself, should be trying to make other people vote?—A. I should judge it was.

Q. You have stated the facts pretty fully?—A. Yes, sir.

Q. All the negroes in the State can vote, I believe, regardless of nativity, race, or color, and you cannot?—A. Color seems to be a passport to the ballot-box.

By Mr. WHYTE:

Q. Who are the parties who informed you that was the objection to your retaining your place in the custom-house?—A. Col. Joseph P. Manton, of Providence, gave that as a reason.

Q. Did any officers of the customs tell you so?—A. No, sir.

Q. What was the time when you received the Gorham circular; what year?—A. I have forgotten the date of that circular.

Q. Can you give the year?—A. I cannot give you the year. There is a similar circular filed here.

Q. But not of the same date. How long ago was it?—A. You remember the time the tidal wave of the Democracy had swept the country. That called for increased efforts on the part of the Republicans to resist that tide. I think the Gorham circular was issued for the purpose of attempting to reduce the Democratic majority in both houses.

Q. Was it anterior to the Congressional election?—A. Yes, sir; it was prior to the last Congressional election.

Q. That was in 1878?—A. Yes, sir.

Q. In the fall of 1878 was the Congressional election?—A. I think it was prior to that time. I will not be positive as to the date.

Q. And you were removed in the ensuing year, 1879?—A. Yes, sir.

By the CHAIRMAN:

Q. You had begun to make a statement in which Mr. Beck interrupted you. Is there anything you wish to state?—A. I simply wish to add, in connection with that circular, that I was informed by a prominent official in the customs department that I ought to subscribe; that I had never given anything for political purposes, and now was the time for me to show my colors or to contribute. I told this party that I liked men like him to contribute who were in the enjoyment of fat offices and who had never done anything for their country during the war; that I had shown my colors sufficiently during the rebellion to entitle me to some consideration, and that my salary was very small, and I could not afford, even if I had the inclination, to subscribe.

By Mr. ROLLINS:

Q. The committee are here to find out if there has been any violation of section 1754 of the Revised Statutes among other things, and therefore you will excuse me for asking you this question: Were you honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty?—A. I was not.

Q. You state that you have held various positions—deputy marshal, storekeeper, inspector, &c.; how many years have you been holding a Federal position?—A. Continuously?

Q. Altogether; how many years in the aggregate?—A. I could not state that. The time for taking the United States census was very limited. I served in that capacity until I had finished the work that was given me to do.

Q. How long were you storekeeper?—A. Less than a year, I think.

Q. How long were you inspector in the custom-house?—A. Pretty near eight years.

Q. From 1871 to 1879?—A. Yes, sir.

Q. You were also deputy collector of internal revenue?—A. That was an appointment simply given me by Collector Eames because I was not actively employed as storekeeper.

Q. You had compensation, of course, for your services?—A. Yes, sir; I was paid as such and hold the commission to-day. It is filed with my other papers.

Q. What was your salary as inspector in the custom-house?—A. The salary originally was \$1,500 per annum when I first went in.

Q. Was it reduced?—A. It was reduced to \$3 per diem.

Q. One thousand and ninety-five dollars per year?—A. Yes, sir.

Q. What is the amount of property required under your constitution to entitle a naturalized foreigner to vote?—A. One hundred and thirty-four dollars' worth of real estate.

Q. Would it not have been quite convenient for you, if you had had a strong desire to vote, to have saved \$134 during these years?—A. I have always declined to qualify myself in that way upon principle. I considered that suffrage ought to be based upon manhood and intelligence and not on property.

By Mr. WHYTE:

Q. Could you buy a residence in Providence for \$134?—A. No, sir; not one large enough for me.

By Mr. BECK:

Q. Are there not many places in Providence the size of the table before you which you could not buy for \$134?—A. Great many.

By Mr. ROLLINS:

Q. Could you not buy a lot worth \$134 that would entitle you to vote in Providence?—A. I do not believe there are any lots within the confines of the city of Providence that would sell for that amount.

Q. Is there not any property there you could buy for \$134 which would entitle you to the right to vote?—A. I do not know of any such lots. If there are any such lots, they would be very speedily taken up by speculators, I guess.

Q. Who recommended you to these various offices which you received, or who secured your appointment to them?—A. For the original appointment as storekeeper I was recommended by the Hon. Henry B. Anthony, General Burnside, I believe, and Mr. Cyrus Harris and Mr. Stephen Harris; in fact, all the prominent citizens indorsed my paper when it was forwarded to the department through Senator Anthony. I think I have a letter on file where he said that my indorsements were from men of such standing in the community that I had just reason to be proud of their indorsements, and I received the appointment of storekeeper.

Q. These were Republicans, were they not?—A. Yes, sir.

Q. Did these same gentlemen recommend your appointment in the custom-house when you were originally appointed, or did you refer to that?—A. I referred to the first Federal appointment in the internal-revenue service as storekeeper. The second time I do not know really who did recommend me, but I am satisfied that General Burnside agreed to it, and I presume the Congressional delegation, else probably I could not have received the appointment.

Q. They were all Republicans at that time?—A. Yes, sir; all.

Q. In your direct-examination you spoke of an assessment made upon you.—A. I spoke of a Gorham circular, not an assessment.

Q. He requested a contribution; he did not make an assessment?—A. It was very adroitly worded. I do not know what you would call it.

Q. It called for a contribution?—A. Yes, sir.

Q. Cannot you state about the year that occurred?—A. I cannot give the date. I tore up the document, and gave no further attention to it. I think it was in 1878.

Q. You held the office of inspector until May, 1879?—A. Yes, sir.

Q. So that your removal did not follow immediately your refusal to contribute?—A. I do not ascribe it to that, though it might have had something to do with it. I suppose somebody else wanted the place, and I had to get out to make a vacancy.

Q. Were you ever assessed for the expenses of electing senators or representatives in this State?—A. Never.

Q. Were you ever asked to contribute for that purpose?—A. No, sir; never to my knowledge. I at one time contributed my services towards that end, but nothing in cash. I have been employed to assist at elections prior to going into the government service.

Q. Do you know Henry A. Greene?—A. Yes, sir.

Q. Was he in the custom-house at the time you were there?—A. He was.

Q. Was he employed in any other capacity than that of a custom-house official; and, if so, what?—A. I believe, for a short time after he entered the custom house, he acted as a policeman in Providence, a patrolman.

Q. Do you remember how long he was thus employed?—A. I do not.

Q. Was it not more than one year?—A. He was so employed until the civil-service rules went into operation forbidding officers to be employed in any other business while acting as officers of the revenue.

Q. He drew his pay, I suppose, as a police officer?—A. I presume he did; it seemed to be all right at that time, and no innovation on the rules of the department or of the customs service.

Q. You spoke of Pomroy's employment as a clerk with some coal company. How long has Pomroy been in the custom house?—A. He came in with the new collector.

Q. When was that?—A. In February or March, 1879.

Q. Then Greene was employed longer than Pomroy has been in an outside office disconnected from the custom-house?—A. I presume he was.

Q. You were inspector while General Shaw was collector?—A. I was.

Q. While he was collector did he ever request you to resign the office which you held?—A. Never directly.

Q. Did he do it indirectly?—A. Owing to some difference of opinion we had, he suggested that if I was not prepared to conform to his views in regard to matters and things, my resignation would be very acceptable.

By Mr. WHITE:

Q. Did you conform to the views of your superior officer then?—A. Always.

By the CHAIRMAN:

Q. Mr. Rollins has read to you the provision of the Revised Statutes on the subject we are sent here to investigate, which reads as follows: "Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointment to civil office: *Provided*, They are found to possess the business capacity necessary for the proper discharge of the duties of such office." I wish to ask you if Mr. Cyrus Harris was honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty?—A. He never was in the service to my knowledge.

Q. Then he never was discharged on that account?—A. No, sir.

Q. Was Mr. Joseph Sewell Read honorably discharged from the military or naval service by reason of disabilities resulting from wounds?—A. I never knew that he was in the service; he was a civilian and a very active politician, I understand, in the town of Pawtucket.

Q. Does he hold two positions?—A. I cannot say positively. I have heard it rumored that he held a position in the town of Pawtucket in connection with the gas-lights of that city. Whether he holds it or not I do not know.

Q. How far is Pawtucket from Providence?—A. Four miles.

Q. Was young Mr. Burrows, who was appointed in your place, honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty?—A. No, sir; he never was in the service that I know of.

Q. Was Mr. Edward G. Burrows ever in the service?—A. No, sir; his service has been chiefly political work. He never was in the Army or Navy that I know of. He has ample time to attend to it, too.

Q. Why?—A. The nature of his office does not require a great deal of time. He carries on the clothing business as well as being an active politician.

Q. Mr. Edward G. Burrows?—A. Yes, sir.

By Mr. WHYTE:

Q. You mean the appraiser of foreign merchandise?—A. Yes, sir.

By the CHAIRMAN:

Q. He does that at present?—A. Yes, sir; unless he has burst up recently. His sign is up on Westminster street, "E. G. Burrows, Boys' Clothing." He spends a good deal of his time there.

Q. He was not honorably discharged, then, by reason of wounds or sickness incurred in the line of duty?—A. He could not have been; he never was in the service; he was one of the home-guards.

Q. With reference to the contribution, as it is called for convenience, was any amount specified in that circular which you were asked to give?—A. It was somewhere in the vicinity of \$11—\$10.80 or \$11; it might have been more. I think it was close to that amount.

Q. You regarded it as an assessment, did you not, by reason of the fact that the amount was specified? Contributions, where called for, are generally voluntary.—A. I looked upon it in this way: that it was rather unsafe not to contribute it, but I thought I would risk it.

Q. Now, upon the subject of the employment of Captain Greene, did I understand you correctly as saying that he occupied the position of patrolman before the promulgation of the civil-service rules?—A. I cannot say how long he acted as patrolman. He did, I know, for a short time after being appointed to the custom-house, and he did it with the consent of the collector of the port. It was known to the collector that he was performing that duty.

Q. And before, in your judgment, the promulgation of the civil-service rules, prohibiting the employment of custom-house officials outside of the custom-house? Do you think it was before that?—A. Yes, sir.

By Mr. WHYTE:

Q. Were the duties of patrolman performed at night, or during the office hours of the custom-house in the day?—A. It is my impression that he was a night patrolman, but I would not be positive. He can state under oath what his duties were.

By Mr. ROLLINS:

Q. Are you acquainted with Captain Greene and Major Bucklin, who were officers in the custom-house at one time, and have since been discharged?—A. Yes, sir.

Q. Were they either of them discharged from the military or naval service by reason of sickness or wounds incurred in the line of duty?—A. Not that I know of. I know that Major Bucklin was a man in very delicate health; he has been in a very precarious condition at times through inflammatory rheumatism. I do not believe he was discharged from the Army by reason of wounds.

Q. Do you know of any applicant for the office of collector of customs for the port of Providence who was a discharged soldier, in accordance with the terms of this statute, by reason of being disabled?—A. Yes, sir; I know of General Goff, the present deputy collector. He was a very prominent candidate for the place; was indorsed by the importers here in the event of its being impossible for General Shaw to obtain a reappointment.

By Mr. WHITE:

Q. Had he been wounded?—A. General Goff is a wounded soldier and draws a pension.

By Mr. ROLLINS:

Q. Was he discharged from the service by reason of disability resulting from wounds or sickness incurred in the line of duty?—A. I think very good evidence is the fact of his drawing a pension.

Q. Was he discharged for that reason?—A. I could not say. He could state that if he was summoned here.

Q. You do not know of your own knowledge?—A. I do not. He draws a pension, I know.

Q. That might be, and still he not have been discharged from the service on that ground. I am merely following the form of the statute.—A. Yes, I see it is a technical point; that is all. Major Pomroy, I understood, was also a candidate. He is also a pensioner of the United States—a wounded soldier.

Q. Do you know that any wounded soldier or sailor was discharged from the custom-house by Collector Harris?—A. I do not know of any such being discharged. I know that there were any quantity of wounded discharged soldiers who would have been glad to fill the places vacated without appointing civilians.

Q. Did these soldiers apply for the places?—A. The records of the custom-house will probably show that.

Q. You do not know?—A. I know that a great many of them would have liked to have obtained the appointments. I have no doubt some such applications have been filed from such parties.

Q. Are not the present deputy collector, two foreign inspectors, and the storekeeper, disabled soldiers?—A. Yes, I believe they were disabled slightly; some of them.

Q. Who succeeded Captain Henry A. Greene as coastwise inspector?—A. Major Pomroy.

Q. Was Greene a disabled soldier?—A. Not that I am aware of.

Q. Was not his successor, Major Pomroy, a wounded soldier?—A. Yes, sir; I have stated that he is a pensioner of the United States, and was an applicant for the position of collector of the port.

Q. Was not the removal of Greene, then, an able-bodied soldier of eight years' service in the custom-house, and the supplying his place by Major Pomroy, a wounded soldier, in strict accordance with section 1754 of the Revised Statutes?—A. I have never looked upon the major as an object of charity at all. I think he was well provided for before he went into the custom-house.

Q. That is not the question. The question is whether it is in accordance with the provisions of the statute, in your opinion, or not?

The CHAIRMAN. I do not think we ought to go into his opinion.

Mr. ROLLINS. Very well.

By the CHAIRMAN:

Q. Were the disabled soldiers, to which Mr. Rollins directed your attention a while ago, appointed by the present collector or his predecessor?—A. They were in office while I was there, for eight years.

Q. They were, therefore, not appointed by the present collector, except by reappointment?—A. I presume the deputy was reappointed by him. I believe it is a matter of courtesy that the collector has the naming of his deputy, by reason of the important duties confided to him.

Q. He was appointed by the predecessor?—A. Yes, sir. I think it

very likely he would have gone, only that little clause in the statute prevented beheading him.

Q. You think it likely General Goff would have gone?—A. I think so; he felt very insecure, very nervous.

By Mr. ROLLINS:

Q. He did not go?—A. No.

Q. And Harris acted in conformity to law in keeping him or reappointing him?—A. Yes, sir; I do not think he appointed him from any love of the man, but to make a showing of conforming to the law.

JOHN M. O'ROURKE recalled.

By Mr. WHYTE:

Question. Do you know whether Captain Greene was employed as patrolman during the night or day while he was in the custom house?—

Answer. At night. I lived on the beat he was on and he was there at night. He informed me at the time that he was on every other week as inspector. I know that he patrolled at night on Washington street, the beat where I lived at the time.

The committee adjourned until to-morrow at 10 o'clock a. m.

NEWPORT, *Saturday, August 16, 1879.*

The committee met pursuant to adjournment. Present, the Chairman, and Messrs. Whyte, Beck, Chandler, and Rollins; also, Senators Anthony and Burnside.

EDWIN C. POMROY sworn and examined.

By the CHAIRMAN:

Question. What is your occupation?—Answer. I am coastwise inspector of customs at Providence.

Q. How long have you occupied that position?—A. Since the 10th of last March.

Q. Were you an applicant for the position of collector of customs?—A. I never made a personal application. Some of my friends saw fit to put me forward as a candidate for the place. I never applied for it myself, personally.

Q. Your name was sent forward as a party for the nomination?—A. Yes, sir.

Q. Were you a soldier in the late war in the Union Army?—A. I was.

Q. In what command?—A. I was in Ellsworth's Fire Zouaves; Eleventh New York State Volunteers; the Second Squadron Rhode Island Cavalry; the Second Regiment Rhode Island Cavalry, and the Third Regiment Rhode Island Cavalry.

Q. Were you wounded?—A. I was.

Q. Were you badly wounded?—A. Yes, sir; I think I was.

Q. How? Explain.—A. I was wounded in the mouth.

Q. Do you draw a pension from the government?—A. I do.

Q. As a soldier who has been disabled?—A. Yes, sir.

Q. Were you honorably discharged from the service; and, if so, when?—A. I was discharged on the 21st day of November, 1865; that was my final discharge.

Q. Was that discharge by reason of the expiration of your term of service, or on account of wounds?—A. On account of the expiration of the term of service after the war was at an end.

Q. Are you in any other business than that of being an officer in the custom-house?—A. Yes, sir.

Q. What is that?—A. I have charge of a railroad wharf in Providence; am clerk at a railroad wharf.

Q. Do you get a salary for that?—A. I do.

Q. State what that is.—A. What the salary is? I get \$17 a week.

Q. What is your salary as an officer of the custom-house?—A. One thousand and ninety-five dollars a year.

Q. Does the company that you work for import any goods, coal or iron?—A. No, sir.

Q. They are not importers?—A. No, sir.

Q. Have you ever participated actively in political campaigns in Rhode Island?—A. No, sir; not a very active part. I have never taken a very prominent part in politics.

Q. Does it come within your knowledge that money has been used in campaigns within the last few years in this State?—A. I never saw any used.

By Mr. WHYTE:

Q. Are you related to Senator Anthony; and, if so, in what way?—A. I am no relation to him at all. In fact, I never met the honorable Senator till I introduced myself to him on the piazza here the day before yesterday.

Q. Are you connected with him in any way?—A. I think my wife's father is a cousin of Senator Anthony. I claim no relationship on that account.

Q. You never saw the Senator to know him until within a few days?—A. I have always saluted him on the street when I have passed him, and always voted for him and always will as long as I can because I like the man, but I never spoke to him in my life till I introduced myself to him on the piazza of this house the day before yesterday.

By the CHAIRMAN:

Q. Have you seen any of the civil-service regulations which have been furnished by the Treasury Department to the custom-house officials?—A. I have not.

Q. None have been brought to your attention?—A. None at all; in fact, I have only been in government office about four or five months.

By Mr. BECK:

Q. You say your final discharge from the military service was in November, 1865?—A. Yes, sir.

Q. Had you been discharged before?—A. O, yes.

Q. For what cause, and when?—A. I was discharged from the Ellsworth's Fire Zouaves by order from the War Department, the service of the regiment being no longer required. I have a copy of my discharge here; fourteen months that regiment served, the first volunteer regiment that left the State of New York.

Q. Was that the only discharge you had before your final discharge?—A. No, sir; I had another from the Second Squadron Rhode Island Cavalry.

Q. For what cause?—A. Expiration of term of service, a three month's organization.

Q. Any other?—A. Second Regiment Rhode Island Cavalry.

Q. Also because the term of service had expired?—A. No, sir; the regiment was consolidated by order of General Banks at Port Hudson. The officers were mustered out and the men transferred to the First Louisiana Cavalry. I was at that time wounded and furloughed for thirty days (the only time I ever was in the hospital) to return North. My wounds were of such a nature that they would not heal in warm weather. That was the order of General Banks. While I was home, before the expiration of my leave of absence, the regiment was consolidated with the First Louisiana Cavalry and the officers mustered out of service. That left me with no one to report to, of course. The governor finally got permission to raise the Third Rhode Island Cavalry. I immediately returned to New Orleans and those men were transferred back and formed part of the Third Rhode Island Cavalry.

Q. You were furloughed in consequence of wounds, and discharged because your regiment was consolidated before you recovered?—A. That is it.

Q. And being an officer of that regiment you, of course, were mustered out?—A. Yes, sir.

By Mr. ROLLINS :

Q. You have testified that you are clerk upon a wharf?—A. Yes, sir.

Q. Do your duties there interfere with the discharge of your duties as a custom-house officer?—A. Not at all; and I would state that I think it is rather beneficial, because the custom-house is only open from 9 to 3, and I get on that wharf at half past six in the morning, and sometimes I stay until as late as nine at night. There is no vessel that comes into Providence that I cannot see from the end of my wharf, and board and see if her papers are right. I have nothing to do with foreign vessels; I am coastwise inspector.

Q. Whenever your services are required by the government as an inspector, you are ready to perform your duties?—A. I make daily reports every morning, Sundays and week-days, since I have been appointed. My reports in the custom-house will show that.

Q. You do not allow your labors as a clerk to interfere with your duties to the government in any way?—A. No, sir; that is distinctly understood. I work for my brother.

Q. Who was your predecessor?—A. Capt. Henry A. Greene.

Q. Did he occupy any other position save that of custom-house officer?—A. He did.

Q. What was it?—A. He was a policeman for two years or thereabouts.

Q. You have been in office how many months?—A. Since the 10th of March last.

Q. You have occupied this position as clerk during that time?—A. Yes, sir.

Q. Have you taken any active part in political affairs since your appointment as inspector in the custom-house?—A. None.

Q. There has been one election since your appointment, but you took no active part in it?—A. None whatever.

By the CHAIRMAN :

Q. What are your duties in the custom-house?—A. Coastwise inspector.

Q. What are you required to do?—A. Board all vessels that come in my district; see that their licenses and enrollments are right, and ascertain if they have a manifest of the cargo, whatever they have on board, and report the same to the custom-house, and the wharf they lie at, and the consignee.

Q. Do you have anything to do with inspecting a boat as to whether she is overloaded with passengers?—A. Yes, sir; I also have that to look after.

Q. All the boats carrying passengers do not land at the wharf at which you are employed as clerk?—A. No steamers land there.

Q. Is it not your duty to inspect all the passengers who come off the steamboats landing at the different wharves?—A. No, sir.

Q. Can you see effectually that the vessels are not overloaded with passengers?—A. Yes, sir.

Q. How far are the different landings from your wharf?—A. The steamboat wharf is about sixty feet from the wharf that I am on.

Q. And do all the steamboats land there?—A. Yes, sir; all.

Q. In point of fact, do you examine all the boats that come in there and ascertain if they are overloaded or not?—A. There is no necessity for it.

Q. Then you do not do it?—A. Steamboats, or excursion boats, as we term them, are allowed to carry, say, 1,200 passengers. If I see a boat coming up and she has but four or five passengers on board, there is no necessity for my stepping over to the wharf and counting those four or five to see whether there are 1,200.

Q. Is 1,200 the limit?—A. Of some of the boats; they vary according to the size. Some of our excursion boats are allowed to carry 1,800 passengers.

Q. How much of your time do you occupy as clerk at this coal office? Are you there all the time?—A. No, sir; I can go and come whenever I please.

Q. How far is the custom-house from this wharf?—A. A very short distance; six minutes' walk.

Q. Do you do this with the permission of the collector?—A. He has never said anything to me about it whatever.

Q. Is he advised of your employment as a coal clerk?—A. I presume he is, but still I do not know.

By Mr. ROLLINS:

Q. Your duties as inspector are performed mainly upon the wharf after the vessels land?—A. All the wharves that vessels come to.

Q. Is the wharf where you are stationed as near to or nearer the wharves than the custom-house?—A. It is nearer.

Q. Before you were appointed coastwise inspector were you frequently at the steamboat wharf?—A. Yes, sir; I used to go down. My family lived down the river during the summer months one year before I was appointed.

Q. Did you notice your predecessor there during those visits, examining the steamboats, counting the passengers, and so forth?—A. I never saw him there that I know of; the law does not require him to be there.

Q. You say you never saw him there?—A. I do not think I ever saw him on that wharf.

By Mr. WHYTE:

Q. Is it not your duty as inspector of customs to see that every steamer going out of the port carrying passengers does not carry more than the number allowed by the supervising inspector's certificate?—A. Yes, sir.

Q. Do you do that in regard to every steamer that goes out every day?—A. I do; I watch them very closely.

Q. Do you go on board them?—A. Yes, sir; frequently.

Q. Even during the hours you are on the wharf where you are clerk?—A. Yes, sir. I see a boat loading up; if I think it needs my supervision I go over and watch. There is no way you can count them exactly. Take a thousand or fifteen hundred people and put them on board of a small steamer, the gang-plank is out; they are like a gang of flies.

Q. Do you know the allotment of passengers to each steamer so that you can tell at a distance whether that steamer is taking on board more than she is entitled to?—A. I know what every boat can carry under the certificate.

Q. You know that by general knowledge?—A. I know it from looking at the certificates.

Q. Then you have to go on board to look at the certificates?—A. They are given out for a year. The certificates are issued every year. We need not look at it more than once.

Q. How do you know what number of passengers a boat lying off at a distance is entitled to carry, unless you go to the boat, see what boat it is, and ascertain exactly from an inspection of the certificate? Can you remember all the steamboats and the number of passengers each steamboat is authorized to carry?—A. Yes, sir; all that come to Providence during my term of office. These are our regular boats. We have had no strange boats with excursion parties this season. There are our regular Newport boats for instance; I know the tonnage of them, and do not have to look at their papers but once a year. I have a memorandum of when they expire.

Q. Are there not excursions from Providence very frequently to points along the bay?—A. Every day.

Q. Are they not large excursions?—A. Some are, but they have been very light this year.

Q. Have you had occasion to examine any boats this year to ascertain by personal inspection?—A. I have once or twice gone to the captain, inquired how many he had on board, and looked myself as well as I could count them. A dozen men cannot count a thousand passengers coming off a small boat. There has been no time since I have held this office that the boats have been overloaded. The treasurer of the companies will tell you that. They have lost money enough, I guess.

By the CHAIRMAN:

Q. From whom do you get your instructions as to your duties?—A. From the collector when I took the oath of office.

Q. How many times has he instructed you as to your duties since you have been in the office?—A. Once or twice we have had a talk about it since he gave me the book and told me what my duties were. He referred me to the other inspectors and I talked with them.

Q. Do you have to make reports of the discharge of your duty?—A. Every day at 9 o'clock.

Q. To whom?—A. To the collector.

Q. Written reports?—A. Yes, sir.

Q. On blanks furnished you?—A. Yes, sir.

Q. Do you make reports before business hours are over, before three o'clock?—A. I make my reports in the morning for the previous day.

Q. How far is Fox Point wharf from the wharf at which you are engaged as a clerk in a coal office?—A. It is probably a little over a quarter of a mile.

Q. What coastwise steamboats land there ?—A. The New York steamers.

Q. They land and take their departure from that wharf ?—A. They do.

Q. Do you examine all the boats that come in and go out there ?—A. Not on that side of the river.

Q. Do you have no jurisdiction over there ?—A. I do have ; but I take the west side, or have taken it, and the other inspector takes the east side. The river is divided.

Q. You have nothing to do with that then, am I to understand you ?—A. I have not had ; we divided it up that way.

Q. Is it your duty to take that side ?—A. It is not.

Q. You have nothing to do with Fox Point wharf then, I understand you to say ?—A. I have not had thus far.

Q. Who is the other inspector ?—A. Mr. Arnold is the other coastwise inspector.

Q. Has Mr. Arnold any other business ?—A. I cannot say.

Q. Did you ever see him engaged in any other business ?—A. I never did.

Q. Is he a reporter for any newspaper ?—A. I have heard it said that he was. I have no personal knowledge of it.

Q. What are the hours of the coastwise inspectors ?—A. All times of day and night. As I say, I am on the wharf where I am engaged, or on other wharves, and if I see a vessel below anywhere, I ascertain what wharf she is going to, if I can, and get there as quick as she does. No vessels pass up and down that I cannot see.

Q. How often do the excursion parties to which Governor Whyte referred go out from Providence ?—A. Every half hour or three-quarters of an hour during the day a boat leaves in the summer months.

By Mr. WHYTE :

Q. Is it not necessary for the excursion steamers that carry more than the regular number of passengers to get a special permit for those excursions ?—A. They have a special permit.

Q. Then how is it possible for you to know without seeing that special permit how many passengers they are entitled to carry ?—A. I do see it ; but the special permits are not granted from day to day ; they are good for a year ; good for the season.

Q. The special permits ?—A. Yes, sir ; special permits for excursion passengers. The boats are allowed to carry so many to Rocky Point ; for example, take the Bay Queen ; she is allowed to carry 1,200 to Rocky Point and only 800 to Newport. That permit is good for the season. They inspect them in the spring to issue their papers to them during the excursion season.

Q. Do you let these vessels go out of Providence without personally going on board whenever an excursion takes place to Rocky Point ? You stand on your wharf and let them go out because they do not appear to have more passengers going on board or coming off than are allowed ?—A. I do not go on board every one of them.

By Mr. CHANDLER :

Q. Do these excursion boats average more than one-quarter the number they are permitted to carry ?—A. Not that.

By Mr. WHYTE :

Q. Is there any provision of law that you know of which requires you to see that the act in regard to the protection of the lives of passengers

is enforced? Is it any part of your duty to ascertain whether the act of Congress for the protection of human life is respected by these vessels going out?—A. Yes, sir.

Q. Do you ascertain whether they carry a proper number of officers and so on, according to their inspection certificate, and whether they have the life-preserving apparatus that is necessary, &c.?—A. That does not come under our jurisdiction. Other inspectors look out for that.

Q. What other inspectors?—A. I do not know what they term them exactly. They are not custom-house officers.

By Mr. CHANDLER:

Q. The steamboat inspectors?—A. I suppose so.

By Mr. WHYTE:

Q. Let me read you this clause of the law, and ask if you have ever had your attention drawn to it.

“SEC. 4496. All collectors, or other chief officers of the customs, and all inspectors within the several districts, shall enforce the provisions of this title against all steamers arriving and departing.”

Is it not your duty to see that this act is complied with; you are an inspector in this district?—A. I never did.

Q. You never had your attention called to this law?—A. Not to that section.

Q. Have you ever had your attention called to the next section, 4797?

“Every collector or other chief officer of the customs, or inspector, who negligently or intentionally omits any duty under the preceding section shall be liable to removal from office, and to a penalty of one hundred dollars for each offense, to be sued for in an action of debt.”

Did you ever notice that before?—A. I never read either of them.

By the CHAIRMAN:

Q. Let me understand you more particularly in reference to your duties. Am I to understand you to say that you cannot, by casual observation, determine the number of passengers that go on board a boat or come off?—A. I can on any regular trip; but, as I said before, when you get 1,200 or 1,500 people all running off a boat at a time, it is hard work to count them exactly; you cannot count as fast as they come. There is no way of doing it. They jump over the side, over the bows, stern, and anywhere. You cannot get the number exactly.

Q. When they get on board the boat, could you not count them?—A. I could count them very readily then, except when a large party comes on a train with a band of music, and marches down in squads and disperses on the wharf; they jump on board the boat in all manner of ways. You cannot count them.

Q. Do you attempt to count them, or do you stand on the wharf and just approximate the number?—A. I sometimes count them as nigh as I can when I think the boat is going to be overcrowded.

By Mr. BECK:

Q. How many divisions are there in the city of Providence where the coastwise inspectors have duties—more than two?—A. Two districts.

Q. You have one?—A. We arrange that among ourselves. He takes one side one week and I the next week. There are two coastwise inspectors.

Q. How do you manage when vessels come up during the night? Are they obliged to give any notice before landing, or can they come at any

hour without notice, or do you have to be on the alert to watch for them?—A. We have a boarding officer stationed some four miles below the city with a boat. He boards foreign vessels down there. Coastwise we board the next morning.

Q. If a coastwise vessel comes in, say, at twelve o'clock at night or two o'clock in the morning, are you there to board her as soon as she lands?—A. O, no, sir.

Q. Suppose she has smuggled goods on board, how do you ascertain it?—A. By going on board her the next morning at daylight.

Q. Is she allowed all the margin from twelve o'clock at night to next morning to get clear of her contraband?—A. Yes, sir; unless the boarding officer below tackles her. She may run by him.

Q. But he would not touch a coastwise ship at all?—A. It is his business to ascertain whether she is coastwise or foreign.

Q. I am asking where she is a known coastwise trader. The boarding officer below does not go on board her at all if he knows she is a coastwise trader?—A. I do not know whether he does or not. He probably hails her. I know he is there to watch them.

Q. If she has not been boarded by him she can land at Providence during the late hours of the night, and she is not inspected by the coastwise inspector until next morning?—A. No, sir.

Q. The point I want to get at is, what guard is there, if she is allowed to land and remain at the wharf from twelve o'clock at night to eight o'clock next morning, against the landing of bales of silk, or any of the more costly contraband articles that she may have got from any foreign ship? Is there any check there at all?—A. I do not know of any.

Q. Is that the general custom?—A. All over the country, I think.

Q. As far as you know?—A. As far as I know.

By the CHAIRMAN:

Q. Is it not your duty to board those vessels upon arrival?—A. It is my duty to board them as soon as I can.

Q. Upon arrival, is it not your duty to board them for the purpose of examining as to whether or not there is any smuggling going on of any contraband articles?—A. That is one of my duties, I suppose.

Q. How long have you allowed a vessel to remain at the wharf after her arrival before you boarded her?—A. A very few minutes, if she arrives between sunrise and sunset.

Q. But suppose she arrives at nine o'clock at night, do you allow her to remain all night until morning?—A. Yes, sir.

Q. Or if she arrives at dark you would allow her to remain until next morning?—A. If I do not see anything coming at dark I go home.

By Mr. ROLLINS:

Q. Do your steamers conveying passengers to and from the port of Providence ordinarily arrive before dark?—A. Yes, sir; all of them as a general thing.

Q. Are there any considerable number of steamers arriving during the night since you have been an officer?—A. No, sir.

Q. Have any arrived during the night?—A. I do not think there has been a moonlight excursion during this season; I think not one.

Q. When you leave your wharf you know whether the regular steamers are all in or not?—A. I do.

Q. You know that there are none to take departure before you return in the morning?—A. I do.

Q. Is there sufficient force in the custom-house to allow an inspector

of customs at the wharves or on duty at all hours, day and night?—A. No, sir; there is not.

Q. I suppose it would not be possible for you to remain during the entire twenty-four hours?—A. No, sir.

Q. You must have rest like other people?—A. Certainly.

Q. Have you followed in this matter the precedent established by your predecessor?—A. Yes, sir; as nigh as I could ascertain.

Q. He was not accustomed to remain there the whole twenty-four hours?—A. O, no.

Q. Is it usual for an inspector to board the steamers before the steamers leave the dock?—A. No, sir.

Q. That has never been the practice?—A. It never has been.

Q. It would be impracticable, would it not?—A. It would.

Q. Whenever you see any indication that leads you to suspect that there are more passengers about to enter upon any steamer than are allowed by law, do you investigate the matter and ascertain the facts?—

A. I do at once.

Q. Whenever you see a steamer approaching and there are any indications that there are more passengers on that steamer than are allowed by law, do you investigate thoroughly and ascertain the facts?—A. I do.

Q. Your wharf is how far from the steamboat landing?—A. I should not think it was over sixty feet.

Q. You can easily distinguish steamers from your wharf?—A. They come within ten feet of my wharf.

Q. You are not liable to be deceived as to the number of passengers?—A. No, sir.

By the CHAIRMAN:

Q. You have been asked whether or not you pursued the course that was adopted by your predecessor. Are you restricted to his manner of discharging his duties?—A. No, sir. I ascertained what he had done as nigh as I could by parties in the custom-house.

Q. If he had done wrong (assuming that he had done wrong in the discharge of his duties) you would not feel authorized to follow that precedent simply because it was a precedent?—A. Not if he did wrong

WILLIAM FOSTER, Jr., sworn and examined.

By the CHAIRMAN:

Question. Where do you live?—Answer. I reside in the city of Providence.

Q. How long have you lived there?—A. Nearly twenty-three years.

Q. What is your business?—A. At the present time I am connected with the charity bureau of the city, in charge of the charity building wood-yard.

Q. Have you been familiar with Providence politics for the last several years?—A. Yes, sir. I have been editor, reporter, associate editor, and policeman at intervals; connected with one paper twelve years, and with other papers at other times.

Q. Do you know anything of the action of the Federal officials in Providence in reference to elections?—A. I rather think they are pretty lively sometimes about election times.

Q. Who are they?—A. Friend Brayton, opposite, is an active pol-

itician. I do not know how far he carries his activity. Mr. Burrows, who is in the custom-house, has been an active politician.

Q. In local politics?—A. Yes, sir.

Q. State to the committee if you know that money has been used in those elections; and, if so, how, when, where, and in what manner?—A. At the State election of 1865, I think it was, but the year I am not positive about, I resided in the sixth ward. I was then connected with a paper. On my way down in the morning, or I happened there in the forenoon, I cannot say which, I was asked if I was coming up in the afternoon. I told them I should be up about 4 o'clock. They said, "Come up; there will be lively times about." Then I went up after I got through with my duties at the office, to the ward-room and stayed there the remainder of the day. A short time before the polls closed, a gentleman said to me, "You go down with Mr. —," a man who was there quite conspicuous; his name has escaped me now. I went down, knowing nothing of what was up or what was meant. There were two or three went down. The ward-room was on Summer street. I went down Summer street. He turned into a lane and went down by a store towards a barn. I asked him, "What's up?" Said he, "You'll find out." He went along to the barn, and "Well," said I, "This is funny"; but I think I remarked to him, "I guess I'll see the end of it now." We went into the barn. There was an aperture in the floor over head about six inches square. As he went into the barn, he handed me a card. Said he, "Hand that up to the hole." I handed it up to the hole and received an envelope. There were three or four others who received envelopes immediately after. I put the envelope in my pocket and went off about my business. I think I went up to the ward-room. I got home. I took the envelope and opened it, and there was a ten-dollar bill. I told my wife that somehow or other I had had a wind-fall; she might have that, and I gave it to my wife.

Q. Where did that envelope come from?—A. From the hay-loft. There was an aperture in the floor, and as the card was handed up, down came the envelope. Who sent it down I do not know.

Q. What was on the card?—A. It was a business card of some one in the sixth ward. I cannot recall now, after this lapse of time, everything in regard to it—names, and so forth.

Q. You say you saw other people do that?—A. Yes, sir; there were some four or five.

Q. You did not see the man who passed the envelope down?—A. No, sir; all I saw was his hand.

Q. Coming down further, have you seen any money used in elections since that time?—A. No, sir; I have never seen money used; I have seen various kinds of checks.

Q. What are those? Explain the checks.—A. Sometimes there would be a card with a mark on it. I never examined it. They would be passing around, handed out, and sometimes when I was going along I would see them.

Q. What would that check represent?—A. One check, which I recall, of a recent date, represented a bumble-bee or a honey-bee. It looked more like a bumble-bee. A bumble-bee was on the card, and "Good for 2," or "Good for 3."

Q. Two or three what?—A. They did not say what.

Q. How large was that card?—A. About as large as that (indicating).

Q. That was the bumble-bee card?—A. That was the bumble-bee card. If I had known the bumble-bee was come up I might have

brought one, as I found one in the streets as I was going over to my office this spring, and I saved it as one of the curiosities of Rhode Island politics. It was one of those old cards that somebody had dropped.

Q. What other kinds were used?—A. I never saw them to make any critical examination of them.

Q. In recent years have you noticed the use of those means in elections?—A. I have seen cards flying around and then I have seen squads go off to a room and come back again. I have seen a card that was distributed marked "Good for a drink." I never had one of those. I never followed up to see whether they responded to the card or not.

By Mr. BECK:

Q. Our inquiry is to see under the civil-service orders what part the Federal officers take in all these things. You spoke of seeing Mr. Brayton, Mr. Burrows, and others pretty active in elections while holding Federal offices. In what way are they active?—A. Going around and button-holing. I do not suppose I can charge anything more than zealous activity. I do not know of anything behind. Mr. Burrows has always been a very active politician. He attends the ward-rooms and sees to checking and everything in regard to what takes place in his ward. I have not been in that ward for some little time, and do not know how active he has been recently in the ward.

Q. What do you mean by checking?—A. The checks used at elections.

Q. What kind of checks?—A. The list; what we call the registry of voters. Each party has a check-list corresponding with the check-list which the warden of the meeting has at his desk. The clerk of the ward, as each voter votes, checks on his list and the party men on the right hand and on the left check their lists, and then, at two o'clock, say, the party men look over their lists to see how the vote stands. Every man is known, and if A, B, C, and D of the Democratic party, or E, F, and G of the Republican party have not come, carriages are dispatched and they are brought up.

Q. Do you know anything about these government officials using money directly or indirectly in elections?—A. I know nothing about it. All the money I know of is what I have stated here, and these indications and signs which I mentioned.

Q. Do you know anything about any of these gentlemen in the employ of the government furnishing money to carry the elections, or collecting money from other people?—A. No, sir.

By Mr. CHANDLER:

Q. You state that it was in 1865 when you received that check?—A. Yes, sir.

Q. Did you know at that time, or have you known since, of any Federal officer using money?—A. No; I do not know that the Federal officers had anything to do with that. I do not think they had. The interference of Federal officers, I suppose, is legitimate.

By Mr. ROLLINS:

Q. Did you recognize any Federal officer about the building when you received the ten dollars?—A. No, sir; that was in 1865.

Q. What are your politics?—A. I am a Democratic-Republican; the logic of which is Greenbackism.

Q. Do you hold any official position in connection with any political organization?—A. I do not. I was at one time chairman of the Green-

back State Committee of this State. I took the honor of running two years as its candidate for governor.

Q. How many votes did you get?—A. I received about 300 the first time, in 1877. The next time I received about 600; I doubled my vote, which, I think, was a very creditable movement. Unfortunately the Pomeroy faction had the inside track last spring and they put on a new man, and his vote fell back to 300. If they had put me on the track again I think I should have received about a thousand or 1,200 votes, which would have been a handsome gain again.

By the CHAIRMAN :

Q. You mean the Pomeroy faction of the Greenback party?—A. I mean the celebrated Brick—not the Major.

By Mr. ROLLINS :

Q. Are there two factions in the Greenback party here?—A. The Pomeroy faction is about played out. I think we shall have it under the sod by the next election.

CHARLES C. HEATH sworn and examined.

By the CHAIRMAN :

Question. Where do you reside?—Answer. Providence.

Q. Were you a soldier in the Union Army during the late war?—A. I was a soldier in the Army and in the Navy too.

Q. During the war?—A. Yes, sir.

Q. In what capacity?—A. Private in the Army; seaman in the Navy from 1862 to 1865.

By Mr. BECK :

Q. Private all the way through?—A. No; I was acting master-of-arms at the Washington navy-yard when discharged; commodore's coxswain before.

By the CHAIRMAN :

Q. Were you wounded during the war?—A. I was wounded by the fall of a tree at Camp Getty Station, near Portsmouth, Virginia.

Q. Were you ever employed in the custom-house at Providence?—A. No, sir.

Q. Did you make application for appointment there?—A. Not in the custom-house.

Q. In what?—A. No office, but I made application once to go on the police force of Providence. That is all the application I have made.

Q. Had you any reason for not applying for a position in the custom-house?—A. No, sir; none that I know of.

Q. Do you know the Federal officers employed in Providence?—A. Some of them.

Q. Name them.—Major Bucklin, Major Joyce, Captain Chase, Major Pomroy.

Q. Do you know General Brayton, the postmaster?—A. Yes, sir.

Q. State to the committee what you know about their interference in elections without any further questions.—A. If there is anything that is referred to I will answer it willingly so far as I know. As to Mr. Brayton, I have no knowledge of his acting more than what is said in the papers.

Q. The information you get from the papers?—A. That is all I know of Colonel Brayton.

Q. Do you know of the interference of any other Federal official with local politics?—A. No more than some of them make themselves conspicuous around the polls on election days.

Q. Of late years?—A. Yes, sir; as late as 1875 and 1876.

Q. Later than that?—A. Yes, sir; in 1878 and up to the present time.

Q. You say they have been active at the polls?—A. Yes, sir.

Q. In what way?—A. They make themselves conspicuous around after voters. When men come in they approach them and have a talk with them; take them one side. On one occasion, a year ago last spring, at the seventh ward, I happened to be going to my place of business, and one man particularly was making himself conspicuous. Mr. Edward Burrows, I think, opened the polls illegally in the seventh ward.

Q. Mr. Burrows himself opened the polls?—A. He was there. They wanted to open the poll. There were not men enough. I was going by, and I was called in. There was myself, Mr. Burrows, Mr. George Nutting and his father, and one or two boys. With that number they opened the polls.

Q. How many does it require to open a poll?—A. Eight, I believe.

Q. Was he in the custom-house at that time?—A. Yes, sir.

Q. Is he still there?—A. I believe he is.

Q. What else did he do?—A. That is about all that I know of his doing, more than making himself generally useful, seeing men come in and talking to them.

Q. Would he remain at the polls the greater part of the day?—A. That I do not know, for I would not be there. It was when I was passing to my place of business and coming from it that I noticed that ward.

Q. Was he at that time holding a position in the custom-house?—A. Yes, sir.

Q. Did you ever see any money used in elections; and, if so, how and when?—A. I have seen money at a number of elections, as far back as 1860 and 1861.

Q. Come towards the present time.—A. In 1875 and 1876.

Q. Did you see money used in an election in which Federal officers took an active part?—A. Yes, sir.

Q. Just explain how that was.—A. Men would congregate in the ward-room and sit there. After a spell a man would come along in the eighth ward, where I was, and he would get a brass check, about as big as your thumb-nail; sometimes he would go with the check to a man named Sullivan, who kept a bar-room, and get five dollars, and sometimes go out to Olneyville. In 1876 they did not work it openly, and played off all they could. In the evening they adjourned to Iron's Hall, in Olneyville.

Q. How far from Providence?—A. About a mile from the polls; it is in the city now.

Q. What did they go there for?—A. They would go there in the evening. There were not brass checks enough, so they would take the names of men on a piece of paper, and they would pass through one dark hall into the small room, take the money, and go.

Q. Would they see the man who paid the money?—A. Yes; they would naturally see him; for he would put it right out to them.

Q. What kind of checks were these brass checks?—A. Little small

pieces of brass and copper, as big as your thumb-nail; some cut square, some round.

Q. Would the squares or octagons represent the different sums?—A. No, sir; it was a regular sum—five dollars.

Q. Five dollars for each of these checks?—A. Yes, sir.

Q. Would the men get these checks after they had voted, or before?—A. Just as soon as a man went up to vote and came down by, there would be a check put in his hand; sometimes before he went up, if the man could be relied upon.

Q. You say they would go out to a place where there was a dark hall?—A. They did in 1876; in the spring election of 1876.

Q. Could you form any idea of how much money was used in that way?—A. I do not know that I could. I know in 1875 I was working there at the polls distributing tickets; there was a big pile used then at Mr. Daniel Sullivan's saloon. A man would go right in and take his five dollars and walk out openly. There was nothing secret about that more than going in there and going out.

Q. Is Sullivan's saloon in the city of Providence?—A. Yes, sir.

Q. Can you form any idea of how much was used at that time?—A. I should think by the looks of the money there must have been a thousand or two thousand dollars.

Q. In one ward?—A. Yes, sir; the eighth ward.

Q. Did you ever see a Federal officer with any money in his hand at elections?—A. I think I have; but whether they used it or not I cannot swear to.

Q. Who was that officer, do you remember?—A. I think young John Burroughs at one time was in the ward-room, and he had a ten-dollar bill. A man asked him what he was paying for votes; he said "That will buy a vote," shaking the ten-dollar bill. Whether they were paying that out or not I do not know. I cannot swear to it.

Q. When was that?—A. I cannot positively swear whether it was 1876 or 1875; it was one of those campaigns. I think it was before the fall election of 1876, or about the time of the fall election.

Q. He is in the custom-house, I understood you?—A. I think he is. I do not know positively.

By Mr. BECK:

Q. What election was that, the spring election in 1876 or 1875?—A. It was what is called the State election.

Q. The election for governor?—A. Yes, sir.

Q. When do you elect a mayor of the town of Providence—at the same time?—A. No, sir; in November.

Q. The elections of which you speak were the State elections?—A. Yes, sir.

Q. When those checks were being handed around, of which you have spoken, were they handed around in the ward-rooms?—A. In the ward-rooms, sometimes outside, wherever they would be apt to meet the men.

Q. Do you remember who handed out any of those checks?—A. Yes, sir.

Q. I should like to know who?—A. I think I did myself. I do not know, but I think I did myself.

Q. Who else?—A. Daniel Sullivan. He is now dead; died a few months ago.

Q. Sullivan was the saloon keeper?—A. Yes, sir.

Q. Who gave you those checks?—A. Those checks would come from Sullivan's saloon.

Q. Who deposited them at Sullivan's saloon?—A. I do not know; that I could not swear to. They were some of the checks that he used to take for drinks. Instead of using the money for drinks, they would give in a check.

Q. And they became certificates for five dollars?—A. They used them so at elections.

Q. Were men like Mr. Burroughs and those officials about where the checks were being handed in?—A. That I do not know.

Q. Did you ever see them there?—A. Not at the time those checks—

Q. Did you ever hand them out in the presence of Mr. Burroughs, the official?—A. No, sir.

Q. Who would tell you to go to Sullivan's saloon to get them?—A. Nobody. They would fetch them and put them in my hand.

Q. You say "they"; who?—A. Different ones; Sullivan himself.

Q. Who else? name some live man.—A. I do not know that I could call the name. William Green is one man; a liquor dealer in the city.

Q. Is he alive?—A. I suppose he is.

Q. When you handed the checks out, did you advise the men to whom you gave them that they were good for five dollars?—A. They would ask me, "What is that good for?" I would say, "Dan Sullivan will tell you."

Q. Were the men to whom they were given generally what is known as the registry voters?—A. Men registered and men of property. I know men worth a number of thousands of dollars who would make it their business to stay at the polls and get what they called "a little sugar" before they voted. That means money, you know.

Q. Men of property, worth thousands of dollars?—A. Yes, sir.

Q. Was that done to a large extent all over the city of Providence?—A. I do not know. I know it is done by a number in the eighth ward.

Q. Is the eighth ward a more corrupt ward than any other?—A. It is in some sense, as far as it is made up greatly of foreigners.

Q. And they buy these men?—A. They will sit around waiting for what they call "sugar," and they will not vote at all sometimes unless they wake up and take two dollars if they cannot get five.

Q. The amount paid depends on the sharpness of the contest?—A. I suppose it does, or on the candidate whom they are voting for.

Q. Was it a habitual thing? You say as much as \$2,000 was paid in that ward?—A. I should think there was in 1875. How much in 1876 I do not know.

Q. Have you any information where that money came from—where it was raised?—A. That I do not know.

Q. Have you any information about it?—A. No, sir.

Q. Did you never inquire where the money came from?—A. I did not make it my business.

Q. Have you ever seen any of the Federal officials around Mr. Sullivan's place of business?—A. Not that I know of.

Q. Are any of the clerks that were with Mr. Sullivan then now alive?—A. He never had any that I know of.

Q. Was his saloon run by himself, waited on by himself, and attended to by himself?—A. Yes, sir.

Q. No assistants at all?—A. Not at those times, unless when he was out his wife would sometimes attend, and sometimes some friend of his would stand behind the bar.

Q. Do you know anybody now in the city of Providence who was in the habit of being behind that bar at that sort of work?—A. No, sir.

Q. Do you know how he came to be selected as the depository?—A.

He was a lively man, and I guess knew about everybody in the eighth ward.

Q. He is now dead?—A. He is now dead.

Q. Did you ever have any conversation as to the assessments or collections that were made from the Federal officials to aid in elections?—A. No, sir.

Q. Describe now, as near as you can, what the general character of the work was that you saw Mr. Burroughs doing.—A. I will not say what election it was, but he had a ten-dollar bill, flirting it so. [Indicating.] Somebody came in and said "What are they paying to-day?" He said "I guess ten dollars will buy almost any of them."

Q. That was young John Burroughs?—A. Yes, sir; this is John Burroughs.

Q. Who was it opened the polls?—A. That was Edwin Burrows.

Q. What general character of work have you seen him do?—A. No more than officiating around the polls.

Q. What do you mean by that?—A. Making himself conspicuous around.

Q. In what way?—A. If a man would come in whom he was acquainted with he would go up to him, talk to him, whisper to him, take him out one side and probably talk his matters over, whatever he had to say.

Q. Was that a common occurrence with him when voters came to the polls?—A. I do not know. It was only at that time that I tell you I was called there. I was going up to my place of business, and I stopped in until nine o'clock, and then I would go up to my own ward.

Q. Which was your ward?—A. The eighth ward.

Q. This occurrence did not take place at the eighth ward. What ward was it you opened?—A. The seventh ward.

Q. Could citizens of the eighth ward open the polls of the seventh ward?—A. That I cannot tell you; but I think there were one or two there that were not legal voters, quite boys, fourteen, fifteen, or sixteen years old.

Q. Did Mr. Burrows reside in the seventh ward?—A. I believe so.

Q. You did not?—A. No; I belonged to the eighth ward.

Q. And the boys were not voters at all?—A. No, sir.

Q. You never heard any promises made by any of the Federal officers of any definite sum of money to anybody?—A. No, sir.

Q. Did you ever see any checks in their hands?—A. No more than I told you of Burroughs.

Q. You have never seen any of these little checks with them?—A. No, sir.

Q. Do you know anything about the Federal assessments?—A. I do not, more than I saw in the papers.

Q. Have you stated generally all you know on the subject? If you have not I should like to know it.—A. I have, unless you have some questions that would refer to something that might come to my recollection.

Q. I do not know anything in the line you know, which makes it hard to ask questions.—A. I do not want to perjure myself.

Q. I am sure of that.—A. I will answer any question.

By Mr. ROLLINS:

Q. You testified that Mr. Burrows opened the polls illegally in ward seven?—A. No; I did not say he opened the polls. He was there when the polls were opened, and getting men to go in there.

Q. I understood you to testify that he opened the poll?—A. No, I do not suppose he had any right to do so; he was not warden.

Q. What do you mean to say—that he was simply in the ward room?—

A. He was in there gathering men together to open the polls.

Q. What was he doing?—A. He was getting the men together to open the polls.

Q. Was there any impropriety in that?—A. I think, according to what I read of the laws of the United States, no government officer should officiate at the polls.

Q. Can they not vote?—A. That is their right, I suppose.

Q. What did he do?—A. No more than speak to men, and when the polls were opened the men dispersed.

Q. How many men did you see him speak to?—A. Two or three.

Q. You think that was highly improper; he being a government official it was highly improper for him to speak to two or three men in the ward room?—A. I think it was highly improper for a man to undertake to detain men to open the polls if he had not any right to do it.

Q. How did he detain them?—A. He kept them there.

Q. Did he ask them to stay?—A. Yes, sir.

Q. How do you know?—A. Because I was asked to stay.

Q. That is all?—A. That is all I know.

Q. He did not undertake to compel you to stay?—A. No.

Q. Did you ever know or see any Federal officer distributing these checks at any time?—A. No, sir; not to my knowledge.

Q. Did you ever know of any Federal officer paying money to anybody for the purpose of influencing his vote?—A. Not to my knowledge.

Q. Did you see Burrows, who you say was shaking a ten dollar bill, pay that ten dollar bill or any other sum of money to anybody?—A. No, sir.

Q. At any time?—A. No, sir.

Q. Do you know that Mr. Burrows had any checks or anything of that sort?—A. No, sir.

Q. How many men of property did you ever see take money at the polls?—A. It is hard telling. There might two dozen or twenty foreigners that have got property take money. I would not know whether they had property or not; but I have known of one or two—two certainly.

Q. How many voters did you see Edward Burrows take aside and whisper to?—A. That is impossible for me to tell.

Q. About how many?—A. One or two.

Q. Do you know what he said to them?—A. I do not.

Q. Do you know that he was not asking them as to their health?—A. I did not make it my business to inquire into it or listen.

Q. But you testified that he was active, politically?—A. He was active around the polls, speaking to men, whispering to them when they would come up.

Q. But you do not know what he said to them?—A. I do not.

Q. His conversation may have been of the most insignificant character?—A. It may have been something, but I know that soon after he whispered to them they would go up and put in their votes. That was all.

Q. But no Federal office-holder ever, within your knowledge, distributed checks or paid money to influence elections?—A. Not to my certain knowledge.

ASA A. ELLIS sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. In the city of Providence.

Q. How long have you lived there?—A. Forty-one years.

Q. Do you know any of the Federal officials in Providence?—A. Yes, sir; I know them all.

Q. Do you know anything of their interference with elections, State, Federal, or other?—A. What do you mean by "interference"?

Q. Taking an active part and influencing voters.—A. Those that are in office. I never knew a man after a job yet but looked after the interests of it.

Q. That is not answering my question, exactly.—A. Well, then, what do I understand you?

Q. Do you know whether any of the Federal officials in the city of Providence, or State of Rhode Island, have interfered in elections, local or general?—A. Interfered in what manner?

Q. By taking an active part, influencing voters, and so forth.—A. Active part in what manner? What am I to understand you?

Q. Any way; doing anything more than voting.—A. I have seen them in the ward rooms at primary meetings, and so forth.

Q. Name some of them.—A. I do not know; I think I have seen them all there, more or less. I have been engaged in politics in Rhode Island for the last thirty years.

Q. Have you seen them there of late years?—A. I have not been there much of late years myself, since the war. I was there in 1875 and 1876. That was the Henry Lippitt contest.

Q. Did you see any of the Federal officials about there then doing more than casting their votes?—A. No, sir; I never did in my life, in fact. I have seen them around the ward rooms; I have seen now and then one that was around there all day. I do not know that he was holding a position at that time under the government.

Q. Who was that?—A. I have seen this Mr. Burrows they speak so much about—Ed. Burrows. He is a well-known man in Providence.

Q. You have seen him about the ward rooms a good deal during elections?—A. Yes, sir.

Q. Active?—A. No more than moving around among people.

Q. Trying to influence voters?—A. Not that I know of.

Q. What did you ever hear him say?—A. I never had anything to do with him in any way.

Q. Did you ever see any other Federal officials about the ward rooms?—A. I have seen them come around, drive around to the different ward rooms. In the city of Providence we have ten wards, and in the afternoon you will see them take a circuit around. Usually in our elections there we keep a tally. It is an open ballot. We take the papers out at one o'clock, two o'clock, and so on, and see the number of votes posted at such a time in each ward. When it gets by that hour, and in fact if the thing is coming down to close quarters where they may want a reserve, they want to know how the matter stands.

Q. You have seen the Federal officials go around from ward to ward?—A. I have seen them come in the ward room.

Q. Did you ever see any money used at elections?—A. Yes, sir.

Q. Explain how that was used.—A. A man who lives in Rhode Island and has not seen money used at elections is blind.

Q. How was it used?—A. I do not know anything about the checks.

and hay-lofts, and brass things. The money I have seen used has been done openly and legitimately, as they term it.

Q. How do you mean? In what way?—A. If a man sold his vote he took his money for it and went off about his business.

Q. Just took it openly?—A. Yes, sir.

Q. Have you seen much of that?—A. Not of late years; in the contest of 1860, which was the most bitter contest of my recollection, which was called the Sprague and Padelford campaign, things were very warm indeed.

Q. Was a good deal of money used?—A. Yes, sir; the figures of Governor Padelford were large; I think the expenses of that side of the party were \$14,000.

Q. How much were those of the other?—A. \$130,000.

Q. You say you have not seen so much of that of late years?—A. No, sir; I went to the war on the 18th of April, 1861, and remained there till the 12th of July, 1865.

Q. Were you then discharged?—A. I resigned then.

Q. What position had you?—A. I was ensign of the First Rhode Island Detached Artillery, Col. Ambrose E. Burnside, commanding; I was lieutenant Third Rhode Island Artillery, Colonel Brown, commanding; captain Third Rhode Island Cavalry, Colonel Sayles, commanding, who is now attorney-general of the State of Rhode Island.

Q. Were you in service up to July, 1865?—A. July 12, 1865.

Q. Have you been in Providence during the elections for the last ten years?—A. Yes, sir; ever since with the exception of two years; I was away in Boston at the time Mr. Eames was first elected Representative to Congress; he failed to receive a nomination at the convention, and there were four candidates, Mr. Eames, Thomas Davis, Thomas A. Jenckes, and Nicholas Van Slack; Nicholas Van Slack was the Democratic nominee, and the other three were Republicans.

Q. Was not Jenckes elected?—A. No, sir; he was not elected, Mr. Eames was elected; that was a great money election; we have changed our election laws; we usually elected member of Congress in the spring, and usually elected our mayor in May; now we elect our governor in April, our mayor in November, and our Representative in November; we have three elections in the State of Rhode Island every other year; Representative Eames' election was simply a bought up thing; there is no use talking about it and going behind the fence about checks and things of that kind; they simply went before the people and elected him with money.

By Mr WHYTE:

Q. A square business transaction without any intermediary course?—A. No, sir; people know me in the State of Rhode Island, and I do not come here to equivocate or tell what I do not know. Nobody has ever bought me and nobody ever will.

Q. I presume you have never bought anybody else?—A. That remains for me to tell.

By the CHAIRMAN:

Q. You have been a pretty active politician yourself, you say?—A. Yes, sir; I commenced attending table at the time of the old Dorr affair in Rhode Island; to day is my birthday, I have passed my meridian, forty seven.

Q. Have you ever been a candidate yourself?—A. No, sir; I have had better business until the hard times, certainly.

Q. You never have run for any office?—A. No, sir; and never ran from anybody, either, that I know of.

Q. What office does Mr. Burrows hold in the custom-house, do you know?—A. Mr. Edward Burrows? I do not know. It is considered in Providence a kind of a loafing office.

Q. Do you not know the name of it?—A. Appraiser, I think, of foreign goods.

Q. You say it is regarded as a sort of loafing office. What do you mean by that?—A. Nothing to do, only to receive your money.

Q. Has Mr. Burrows any other business besides acting as appraiser of foreign merchandise?—A. Not that I know of. I have seen Mr. Burrows for years, passing. I think one of them has gone up, some way.

Q. Does he keep a clothing store?—A. I do not know. I never knew him, only as a politician. This man who was here before made a mistake. He is in the sixth ward, not the seventh ward. He is a sixth ward politician.

Ry Mr. BECK:

What is the name of that gentleman who ran for governor two or three years ago?—A. Henry Lippitt.

Q. Was that a pretty warm race?—A. A very warm race. The candidate was elected by the people, and he never ought to have been.

Q. Who ran against him?—A. Rowland Hazzard, of South Kingstown, the first election, and a gentleman from Warren, Cutler, the next. He came very near being the third man in that race, and if the Democrats had stuck to their ticket he would. They never stick here, you know. They are a party in the market. If the Republican party were not so strong in Rhode Island, there would be none of this mess. They are so strong that they make a split among themselves, and the Democratic party waits to see which will give the most, like a three-ble-rig, "now you see it, and now you don't." The tenth ward in the city of Providence, which ought to give five or six hundred Democratic majority, is just as liable to go five or six hundred Radical as to be five or six hundred that way. What does it God only knows. I do not.

Q. There is generally a good deal of money about it when it is done?—A. There is no election here without the use of money. There would not be an election in Rhode Island, in fact, without money, any more than a funeral without a corpse.

Q. Where does that money come from?—A. Now you have got it.

Q. We have had no mill making greenbacks for some time.—A. I have heard lots of people say so.

Q. Does it come from these hay-lofts?—A. I tell you I do not deal in these hay-lofts.

Q. But you might have information.—A. I do not want information on it. The man up in the hay-loft can attend to his business, and I will attend to mine. He may feed out up there. I feed out below. I do not go into any such dark-lantern hole. If a man wants five dollars to borrow from me, I want him to get it where the sun shines. If he gets it in the dark I might give him fifty.

Q. By doing it in the daylight, you know exactly what he is getting?—A. Yes; and know whom I am paying. That is, if I would do that thing.

Q. You have seen a good deal of it done?—A. No, sir; if I had, I would tell you of it.

Q. I do not want to ask you if you have done it yourself, because I

are not a Federal office holder, and it is none of my business.—A. I may be a Federal officer one of these days. How will it work then ?

Q. You would quit it then.—A. Do you think because a man is a Federal officer he has got to be better.

Q. He has got to hide a little better.—A. That may be so.

Q. Were you at different ward meetings which were held, at which gentlemen like Mr. Burrows were present and where the expenses of the campaign and the probable cost of it were discussed in your presence at any time ?—A. No, sir ; A man testified before the Wallace Committee, in the city of Providence, last week, telling about so and so, who came to me last November, and said, " Captain, will you go into the seventh ward and carry that ward anti-Doyle—elect delegates against Doyle." I said, " I will try to." I said " Who will pay me ?" He said " I will pay you." I said " Very good." I had nothing to do ; business was very dull in my shop. That is the shop I worked at. Mechanics in Providence have a hard time sometimes. I went up in the afternoon, looked around the ward, and I found a great many people idle, the same as myself, and I invited them to an entertainment in the evening. We came down there and had a nice, good, old-fashioned, primary meeting ; what you would call " a real good rouser." It happened to be successful in getting four or five votes. I went down next day and got my collateral, and that ended it. It was a small sum for the amount of labor done.

Q. Those that attended the primaries, those that are in the habit of hanging around and waiting to see who will give the most, I suppose got theirs too ?—A. No ; you are mistaken. They do not pay money at primary meetings. That is a kind of " free and easy." We call primary meetings here caucuses to elect delegates to the convention. There is where the people complain. Our papers say if a certain man gets a nomination, " You should not complain ; you do not attend the primary meetings." In other parts of the country they call them caucuses. Some people here say, " We are going to the caucus to-night." Now we call it " attending the primary meetings." You will see the call issued for a primary meeting, " Be prompt on hand ; vote early, and as often as you can." That is the way it is in this State.

Q. What was Doyle running for then ?—A. Mayor. He has been mayor of our lovely city.

Q. Is he mayor now ?—A. Yes. I do not know who can beat him, unless God Almighty intercedes in our behalf.

Q. But there was a good deal put up ?—A. No ; it does not cost anything for him to be elected mayor since 1870. He has been beat once in fourteen years. Then what they call the " Great I Am's" came to the front and said he should not be mayor. He withdrew. He wrote a letter declining to run, and George L. Clarke ran. The next year Doyle came to the front, and he beat Mr. Clarke, after Henry Lippitt was elected by the State legislature in 1875 and 1876. Then it came that the present governor, Governor Van Zandt, ran against J. B. Barnaby. J. B. came very near beating him. He would with a few dollars. His brother, A. J., ran against Thomas Doyle. He came very near beating him. Ae would with a few dollars. We came very near having J. B. for governor and A. J. for mayor, one year ; two very worthy men, but they would not put out their scrip, and so they had to lie down. There was no money spent then that I know of. I can tell by the air whether there is money going.

By Mr. WHYTE:

Q. Were "J. B." and "A. J." Democrats or Republicans?—A. They are supposed to be called solid Democrats.

Q. And they would not put out their scrip and consequently were not elected, you say?—A. They did not put it out for the very reason that they thought they had it dead open and shut.

By the CHAIRMAN:

Q. And they were fooled?—A. I agree with you, Mr. Chairman, they were fools. Either one of them would have been elected with \$500, and I leave it to every man in Rhode Island, who is in this room; I say they were fools.

By Mr. BECK:

Q. The postmaster at Providence has been alluded to several times as a pretty active politician.—A. He is.

Q. In what form do you regard him as being an active politician?—A. As being a square up and down politician, who rules the State of Rhode Island with his brains, not money.

Q. In what form does General Brayton exercise his brain in the ruling of politics?—A. I cannot tell you. I have not brain enough to look into the form he uses.

Q. How does he manage politics?—A. He is a man who is very popular, in the first place; he is a man whom every body likes; he is a man, you know, that has a reputation; he is here, and I was in the battery with him, and so I am diffident to talk about him as if he was a stranger. He is a man that does everything aboveboard, and if he is a friend to you he is a friend; if he is an enemy to you, you know it.

Q. I do not want to go into his private history. We have only to do with United States officials and the use of money at elections.—A. What do you mean to ask me—if I ever saw him use money at elections?

Q. Do you know anything about General Brayton or anybody else in the Federal service using money at elections?—A. No, sir; you do not suppose a man who holds a Federal office would go to the polls and spend money. We do not have men appointed that are blind. That would not do.

Q. What do you mean by that?—A. You asked me if I supposed he went to the ward and used money. Why, no, sir; he could not do it.

Q. Why could he not as well as you?—A. It would not be for him policy.

Q. Is that the only reason?—A. I do not know of any reason why he should do it. I never saw him use money; I never heard of his using a dollar; I never heard of a Federal officer paying a dollar in my life, in all my experience in politics.

Q. Did you never hear of any assessments being made on them?—A. I never looked where the money came from and do not care. If a man pays me, that is sufficient; he and I have done until he wants another job; if he wants me, he can have me; if he don't, it is all right.

Q. Who are the men who pay this money?—A. I do not know anything about it.

Q. Who were the men who paid you?—A. When?

Q. During the election of 1875.—A. Nobody.

Q. I understood you to say that next morning you got your collateral?—A. You are getting things mixed. I said last November.

Q. What did you get after the day of election?—A. A ten-dollar note accidentally.

Q. From whom?—A. I got it from a man.

Q. Who was the man?—A. Am I obliged to tell?

Q. I will not force you to tell. You said you did everything openly and aboveboard.—A. I do. It would not be aboveboard for me to give him away, would it?

Q. I supposed you did everything in open fair dealing all around.—A. So we did.

Q. And he might be able to tell us whom he got it from.—A. This man got it from himself, and plenty of it too.

By Mr. ROLLINS:

Q. Was he a Federal officer?—A. No, sir; he never would be either. He is not cut that way.

By Mr. WHYTE:

Q. Was he a candidate for office?—A. He has been a candidate a number of times for office, but always beaten.

By Mr. BECK:

Q. I will not press it.—A. When the Congressional election comes off in the State of Rhode Island, and I suppose it is so all over the country, those that are in the employment of the Federal Government look after the interests of the men that are up for office. I think that would be one of my duties; I am inclined to think so.

Q. To what extent they use money, if at all, you do not know?—A. No, sir.

EDWARD R. DAWLEY sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. In Providence.

Q. How long have you lived there?—A. Forty-three years; ever since my birth.

Q. Are you familiar with the management of politics in Rhode Island for the last few years?—A. Not during the last two years. Until within two years I have been somewhat conversant with it.

Q. Are you acquainted with the Federal officers employed at Providence, or in Rhode Island anywhere?—A. Some of them.

Q. Does it come within your knowledge that they have interfered at elections of any kind in Providence and if so, in what manner? and name some of them.—A. I know of officers who have been quite active in politics there for several years.

Q. Federal officials?—A. Yes, sir.

Q. In what way?—A. The way politicians generally take to promote elections; soliciting their friends to work for their cause.

Q. Just state some few instances of the manner in which that is done.—A. It is done by employing workers to get people to attend caucuses and voters to the polls, employing teams to bring voters, and so forth.

Q. Have you ever seen any money used in these elections within the last eight or ten years?—A. Not except in a legitimate way.

Q. You have seen it used?—A. I have seen men paid for their services and for their teams.

Q. Have you seen any of them around the ward-rooms actively engaged in the election, and previous to the election at the primaries or caucuses?—A. At both caucuses and elections I have seen them.

Q. In what way would they be interfering ? We only want the facts just state ?—A. Soliciting friends or whoever they could influence to support the nominees whom they proposed to put forward.

By Mr. WHYTE :

Q. Can you name officials whom you have seen in the last three years taking an active part at the polls ?—A. Yes, sir ; I have seen the appraiser, E. G. Burrows.

Q. Any others ?—A. One of the inspectors, John Burroughs.

Q. Were they actively engaged during the day of the election, that you saw ?—A. Yes, sir.

Q. Urging people to vote ?—A. Yes, sir.

Q. Participating in the working of the election ?—A. Yes, sir.

Q. Do you know Mr. Burrows well ?—A. Yes, sir.

Q. What business was he engaged in before he was appointed, do you know ?—A. The same as he is at present—clothier.

Q. Is he at present engaged as a clothier as he was before ?—A. Yes, sir.

Q. Where is his place of business in Providence ?—A. On Westminster street, in the MacNeill block ; I do not remember the number.

Q. Do you know anything of assessments of public officers ?—A. I do not.

Q. What is your business ?—A. Salesman in a wholesale grocery store.

By the CHAIRMAN :

Q. Have you any official position in either one of the political parties of the State, or have you had ?—A. I formerly had.

Q. What was that ?—A. Chairman of the city committee of Providence.

Q. Of what party ?—A. Republican.

Q. Do you occupy that position now ?—A. I do not.

Q. How long since you went out ?—A. May, 1877.

Q. Who is the chairman now ?—A. Col. William Turner.

Q. Did he succeed you ?—A. No, sir ; Mr. Ervin T. Case, judge of the police court, succeeded me as chairman of the committee.

Q. Which is your ward ?—A. I at present reside in the eighth ward.

Q. In which ward does Mr. Burrows, to whom you have just referred, live ?—A. The sixth.

Q. Is his clothing store in the sixth ward ?—A. No, sir ; in the fourth.

Q. He resides in the sixth ward ?—A. Yes, sir.

Q. Do you know what position he holds in the custom-house ?—A. Appraiser of foreign merchandise.

Q. Does he spend much of his time at the custom-house, do you know ?—A. I do not know.

Q. Do you know what his duties are ?—A. Yes, sir ; to examine the foreign merchandise and judge of its value according to the consular invoice. I was formerly in the importing business and came in contact with him.

Q. Has he an assistant, do you know ?—A. I think he has.

Q. Do you know his name ?—A. The last I knew it was a Mr. Lovell or Loveland, I think.

Q. Assistant in the custom-house as appraiser ?—A. I think his office is separate from the custom-house.

Q. Is he borne upon the rolls of the custom-house officials, do you know ?—A. I think he is ; I do not know that fact.

By Mr. BECK :

Q. What was the office you held till 1877 ?—A. Chairman of the Republican city committee of Providence.

Q. Simply a political position ?—A. That was all.

Q. You were chairman of the city committee of the Republican party ?—A. I was till 1877.

Q. You had, of course, a good deal to do with the organization of the campaigns made by the party while you were chairman ?—A. To a certain extent. The State central committee had the charge of the campaigns.

Q. But the city committee were acting in accordance with them so far as the city of Providence was concerned ?—A. Yes, sir.

Q. Was it the duty of your committee in the organization of your campaigns to see to the collection of money for the necessary expenses of the canvass ?—A. Yes, sir ; for the city of Providence.

Q. Were you in the habit of collecting from custom-house officers and others their quota ?—A. No, sir.

Q. If they paid anything, to whom did they pay whatever contributions they saw fit to make ?—A. The State central committee, I think.

Q. Where did you receive the funds necessary to carry on the campaign in the city of Providence ?—A. We had a treasurer in each ward committee, who collected what they could in the different wards, which was turned in to the treasurer of the city committee.

Q. Who was treasurer of the city committee ?—A. I cannot recall now. I have been entirely out of politics for two years, and taken no interest at all, and did not get my summons until late last evening, and had no opportunity to look over the matter.

Q. Did the State central committee furnish you from time to time means when you had a hard race in the city, or were you required to make your own way ?—A. Providence generally took care of itself.

Q. And your collections were made in the respective wards and paid over to the treasurer ?—A. Yes, sir.

Q. Do you know anything of contributions made by officers in the custom house or post-office ?—A. I do not.

Q. Did you ever solicit any subscriptions yourself from any of them ?—A. I did not.

Q. Who made the payments that were made for horses, wagons, and other things ?—A. Generally the ward committee of each ward attended to those things.

Q. How far is Mr. Burrows's store from the custom-house ?—A. A very short distance ; I think probably about three minutes' walk.

Q. Is he carrying on a business of any considerable extent, or is it a small business ?—A. I do not know in regard to the extent of his business.

Q. Perhaps his store would indicate something ?—A. I believe it is confined to children's clothing mostly.

Q. An ordinary children's clothing store ?—A. Yes, sir.

Q. Are many persons employed in it ?—A. I do not know anything about his affairs.

Q. And you do not know how much time he devotes to custom-house work and how much time to his own affairs ?—A. No, sir.

ERVIN T. CASE sworn and examined.

By the CHAIRMAN:

Question. Do you live in Providence?—Answer. I do.

Q. How long have you lived there?—A. Thirteen years.

Q. Have you been actively engaged in politics in Providence, or in the State of Rhode Island, since your residence there?—A. Quite so for the last ten or twelve years.

Q. Are you familiar with the general run of political campaigns in Providence within that time?—A. Yes, sir, somewhat familiar with them; not so much so as some. I have had some opportunities of being familiar with them.

Q. Do you occupy any position in either of the political parties of the State; and, if so, what is it?—A. I am a member of the Republican city committee at the present time, and have been chairman of that committee for two years up to last April.

Q. In your experience in connection with the politics of Rhode Island, do you know anything of any interference by Federal officials with local or general elections?—A. No, sir; I know nothing personally of any interference, that is, nothing of my own knowledge; nothing more than general report and rumor.

Q. Common reputation, I suppose, is competent. State what you know. Do you know General Brayton?—A. I do.

Q. Have you ever seen him interfere in campaigns, or politics, or elections?—A. No more than this: I have seen him at political conventions and at the general assembly, apparently having an interest in political matters; but what that interest was, or what he had to do or say, I do not know. I never personally had any knowledge of his connection.

Q. You have seen him attending the general assembly?—A. Yes, sir; I have seen him at the sessions of the general assembly.

Q. Was there any election pending at that time?—A. Yes, sir: I have seen him at the general assembly, and at caucuses of the general assembly when elections were pending for officers.

Q. Participating in the caucuses and elections?—A. No, sir; I do not know that I ever saw him participating in them. I have seen him watching them, and, apparently, with some interest; but I do not know that I ever saw him having any active part in those caucuses as a voter.

Q. When was that?—A. The last time I saw him in a caucus of that kind, I think, was the last May session.

Q. In this city—Newport?—A. Yes, sir.

Q. Was an election pending at that time?—A. The caucus that I refer to was a legislative caucus; it was not a party caucus; it was a general caucus of the house for nomination of speaker and clerks of the house.

Q. Was a nomination made?—A. Yes, sir.

Q. Who was elected?—A. Mr. Spooner was nominated as speaker and Mr. Gower was one of the clerks. I do not recall now who the other clerk was.

Q. Whose interest did General Brayton espouse?—A. I do not know personally; only by hearsay.

Q. Did you hear?—A. I heard that he was in favor of Major Pearce for speaker.

Q. Was the major elected?—A. He was not.

Q. Whom for clerk, did you hear?—A. I did not hear that he had anything to do with the election of clerk at all, or any preference. I

recall now who the other clerk was—Mr. Payne. I think in his case there was no opposition, and in the case of the other clerk there was very little said; and I do not know that there was any particular interest manifested one way or the other.

Q. In what way have you seen Federal officials interfering in elections in the city of Providence?—A. I have not seen them interfering myself. I have only, as I have said, seen them in the caucuses I have spoken of, watching, and, apparently, having an interest; but so far as any other interference is concerned, I do not know of any.

Q. Have you seen any money used in elections during the last few years?—A. I have not.

Q. Do you know of any having been used?—A. I do not. Allow me to explain that. I suppose that question is meant in the sense of influencing voters or anything of that kind. I have known of its being used to hire teams to bring voters to the polls and to hire men to attend the table with the tickets upon it, and to keep a list of the men who had voted at the polls. Further than that I do not know.

Q. I mean money used in an improper sense?—A. I have not known of it.

By Mr. WHITE:

Q. What office did you hold prior to last spring?—A. For the last six years I was clerk of the justices' court of the city of Providence. About four years prior to that, I was one of the justices of the court of magistrates, which was the same court. The denomination of the court was changed.

Q. How is the clerk of the justices' court in the city of Providence elected?—A. By the general assembly.

Q. At the time of this last spring election, when you spoke of the election of clerks and speaker, you had reference to the speaker of the house and to the clerks of the house of representatives?—A. Yes, sir.

Q. At that same legislature the clerk of the justices' court was also elected, was he not?—A. Yes, sir.

Q. Were you a candidate then?—A. I was.

Q. Did General Brayton, as a Federal officer, take any part in that election; and, if so, what part? Let us judge what sort of interference it was.—A. I do not know personally of his taking any part. I was not present at the caucus that nominated the clerk of that court. That was subsequent to this caucus, of which I have spoken, for the nomination of officers for the house of representatives, the following evening. I was not present at that, and do not know whether General Brayton was or not, and never heard that he was or was not, and do not know that he had any part in it except by street rumor. I had heard it reported on the street that General Brayton was opposed to me for that office. I never knew of his doing anything for or against my election.

Q. You were not in Newport at the time of that caucus?—A. I was in Newport, but I was not in the State-house.

Q. And, therefore, of your own knowledge you do not know whether he took any part or not?—A. I do not of my own knowledge.

By Mr. ROLLINS:

Q. You say that General Brayton was at Newport and was a looker-on at a legislative caucus or assembly caucus?—A. A general caucus of the house of representatives.

Q. In which both political parties were represented?—A. Yes, sir.

Q. Democrats voted in the caucus as well as Republicans?—A. Yes, sir.

Q. Mr. Spooner was nominated for speaker?—A. He was.

Q. In this caucus?—A. Yes, sir.

Q. Was he supported generally by the Democrats in the caucus?—A. I cannot say as to that. At first he was not. My impression is now that there were thirteen ballots, or from ten to thirteen ballots, and I know that for several ballots the Democrats voted, what few there were in the caucus, for a Democratic candidate; at first, I think, for Mr. Clark, of Kingston, and Mr. Clark, after two or three ballots, I think, declined to have his name used; but for several of the early ballots I know they voted for a Democratic candidate. How they voted afterwards I do not know.

Q. Is it not generally understood that Mr. Spooner was nominated by Democratic votes, that they supported him finally?—A. I think it is generally understood that finally most of the Democrats in that caucus—my impression is there were not more than 13 or 14 of them—voted for him.

Q. Do you remember how many votes Mr. Spooner had, and how many were necessary to a choice?—A. I cannot tell exactly. My recollection now is that 31 or 32 votes were necessary for a choice.

Q. Do you know how many he had?—A. I think on the last ballot he had 35, if my recollection serves me aright. I would not attempt to be accurate about that. It has been some time since.

Q. Taking the Democratic vote from the 35, he would not have received the nomination at that caucus on that ballot?—A. I should think not, probably. I wish the committee to understand that I am only speaking about this vote of the Democrats generally from the information I received. Of course I do not know how any member of either party voted in that matter.

WILLIAM N. BROWN sworn and examined.

By the CHAIRMAN:

Question. Do you reside at Providence?—Answer. I do.

Q. How long have you lived there?—A. The greater part of my life.

Q. Are you familiar with the politics of Providence and Rhode Island?—A. Somewhat.

Q. Have you been an active politician yourself?—A. I have taken a lively interest sometimes.

Q. Do you know the Federal officers at Providence?—A. I do; the greater part of them.

Q. Do you know the postmaster, General Brayton?—A. Very well.

Q. Do you know the officials in the custom-house?—A. I know them by sight, but not to speak with them all. I know who they are and where they reside.

Q. Have you ever seen them interfering in elections; and if so, how?—A. I do not know that I ever saw them interfere with elections. I am confined to ward elections; I never take any part in the general assembly or assembly caucuses. When I get through with my ward I am done.

Q. Have you ever seen any of the Federal officials about your ward?—A. None live in our ward except General Brayton, that I know of.

Q. Has he participated in the politics of that ward pretty actively?—A. I never knew him to take any active part. I have seen him at the caucus the same as any one else, but not to take any active part. He

came in a carriage and went away; did not have anything to say in regard to the formation; I generally did that myself.

Q. Have you seen him participating in the elections?—A. I cannot say that I have.

Q. Have you seen any of the other officials doing so?—A. No, sir; because I would not be called where they would be. I do not know what part they took, they being in different wards from me.

By Mr. WHYTE:

Q. General Brayton lives in the same ward you do?—A. Yes, sir; ward one.

Q. Has he occupied any position in the Republican organization since he has been postmaster?—A. Chairman of the State Republican Committee, I believe.

Q. Is he still chairman?—A. No, sir; he resigned some two years since, I think.

By Mr. ROLLINS:

Q. Do you know why General Brayton resigned? Do you not know that he resigned in obedience to the civil-service rules?—A. I understood that to be the fact, that he had orders from headquarters.

Q. Resigned in accordance with the rules of the department?—A. Yes, sir; the civil-service rules. I think they called a special meeting of that committee at the State-house in order to allow him to resign and elect his successor.

By Mr. BECK:

Q. Who summoned you here?—A. Major Joyce. He read the document to me, or I should not have come.

Q. What special fact do you know bearing upon this inquiry?—A. I do not know. I have got a reputation, I suppose, of being quite a political worker up there. They did not get the big gun they thought they did when they got me.

By the CHAIRMAN:

Q. Who is the "big gun"?—A. I do not know. People say, "There is Bill Brown; he knows all about it." I am ready to answer any question. I do not know what you want me for.

By Mr. BECK:

Q. What ward do you live in?—A. The first ward.

Q. You are chairman of the Republican committee of that ward?—A. No, sir.

Q. What are you in the Republican committee?—A. I am a member of the city committee only. Each ward has an organization of its own.

Q. Are you connected with the first-ward organization?—A. Yes, sir.

Q. What position do you hold in the first ward organization?—A. I am a private in the rear rank, I guess.

Q. You are not a member of the committee at all?—A. I am a member of the committee, but I am not treasurer or chairman. Each ward has a chairman and treasurer of its own committee.

Q. You are a member of the committee?—A. A member of the committee only.

Q. You are in consultation with that committee as to the means to be applied to carry your ward?—A. Yes, sir.

Q. Are you one of the men that have anything to do with the raising of money?—A. No, sir.

Q. Is money ever raised in your ward to help to carry it?—A. I never knew of it.

Q. Did you ever see any money used in your ward?—A. No, sir.

Q. Did you ever see checks given to anybody for his vote?—A. No, sir. I saw checks used there one day; cannot say where they came from.

Q. What were those checks?—A. Brass and metal.

Q. Where were they redeemed?—A. I cannot tell you.

Q. How do you know they represented anything?—A. I do not know that they did. I never had one in my possession. I saw them. The warden of our ward has one now, which he says is an original one, but somebody sprung in some counterfeit ones there. That stopped the business; broke it up.

Q. In whose hands did you see this one?—A. I saw this original one in Sylvanus Burgess's hands. He is now warden of the first ward.

Q. Is that the only one you ever saw?—A. The only one I ever saw.

Q. Did you never see anybody promised money if he voted?—A. No, sir.

Q. Did you never see lists made out of those men who were considered doubtful voters and approaches made to them?—A. We make out the lists, but I do not approach them.

Q. Who does approach them?—A. I cannot tell you.

Q. Have you ever sent anybody to them?—A. No, sir.

Q. Asked anybody to vote?—A. No.

Q. Never spoke to one of them yourself?—A. No, sir; I approach a class of people that do not require to be bought. I take the respectable portion when they come up if I can get them.

Q. In what manner do you approach them, and why do they need approaching?—A. I always attended table; for twenty-five years I have always attended my own table. I stand there, and when a man came up I pass a ballot to him and he says, "Bill, is this all right?" I say "That is the Simon-pure," and he goes right on.

Q. You mean the table where the ballots are?—A. Yes, sir; the Republican table; the regular nominees of the Republican party.

Q. Beyond that you say you know nothing?—A. I know nothing.

Q. You never saw anybody in ward No. 1 paid money?—A. No.

Q. Never heard anybody promised money?—A. No. The man that hire carriages from and the table-tender are all the persons that I ever knew being paid; I will take my solemn oath to it.

Q. Is there one decent ward in Providence?—A. Yes, sir; I have it one.

Q. You never saw any money paid?—A. No.

Q. Never heard anybody offered money to vote?—A. No, sir.

Q. Never saw but one check?—A. That is all, and that is in existence now.

Q. Whose hands was it in when you saw it?—A. Sylvanus Burgess. He was summoned before the Wallace committee, but was not used.

Q. Was it in your hands when you saw it?—A. It was.

Q. Do you know Sullivan, who kept a drinking-house somewhere—Daniel Sullivan?—A. He is six or seven wards from me; he is over High street. He is dead now.

Q. Did you know him?—A. I did know him in his lifetime.

Q. Were you ever at his house?—A. Never.

Q. Did you ever see any persons going there with these checks?—A. I did not know where he lived. I would be just as far from his house as you would, almost.

Q. I live a thousand miles from his house.—A. We have a great distance between us.

Q. If you never raised any money inside of your ward except for the hiring of carriages and the bringing of men to the polls, were you ever in consultation with the committees of other wards?—A. Only when we met in general committee. We just meet to appoint the primary meetings; the time to hold the primary meetings, and so forth.

Q. Have you had any discussions over the amount of money necessary to be raised in the different wards?—A. Not that I am aware of.

Q. You never heard of any?—A. I never used a dollar of money for elections since I was born.

Q. Never had any and never heard any talked about?—A. I never had any to expend; all I get I keep.

Q. You do not mean to say that you get money for election purposes and keep it yourself?—A. No; but I say I never take any money. The man does not live—I defy contradiction—that ever paid me any money to expend in any election, State, national, or city.

By Mr. WHYTE:

Q. Do you not know of the raising of any fund for use in your ward at State elections?—A. I do not.

Q. Do you not know of funds being received to carry the election in your ward as well as other wards?—A. If any fund was sent into our ward I would not be more likely to know it than you; it would be when the election was going on. I have no doubt it has been used. When I see some people come in there and take ballots from me, I know that they are so rough they would not slide unless they had been greased; but who did it I do not know. I never saw a person pay out a dollar for votes.

Q. In your connection with your party, do you know anything at all of assessments on the Federal officers in your city?—A. No, sir; if it should be done I would not know anything about it. A five-dollar bill is very small when it reaches us, it goes through so many hands.

BENJAMIN GARDINER sworn and examined.

By the CHAIRMAN:

Question. Where do you live?—Answer. In Providence.

Q. How long have you resided there?—A. About forty years.

Q. What has been your business for the last ten years?—A. Jewelry business. I am a jeweler by trade.

Q. Are you familiar with the politics of Providence?—A. Somewhat.

Q. Do you know anything of your own knowledge of interference by Federal officials in State, county, or general elections?—A. Not the slightest whatever.

WILLIAM A. RICHARDSON sworn and examined.

By the CHAIRMAN:

Question. Where do you live?—Answer. In the city of Providence.

Q. What is your business?—A. I am now in the stationery business.

Q. How long have you lived in Providence?—A. All my lifetime.

Q. Have you ever held any official position under the government in Providence?—A. I was formerly in the post-office.

Q. In what capacity?—A. I have been in all parts of it. When I first entered the office I entered as a letter-carrier; I was then on the general delivery; in the money-order department; registered letters: I was in the stamp department; I was afterwards clerk in the newspaper department, and under General Brayton's administration when he came in I was clerk of the newspaper department, and was promoted by him to be a superintendent of carriers.

Q. How long has he been in office?—A. I think he is now serving his second term.

Q. How long do you call a "term"?—A. Four years.

Q. He has been there more than four years?—A. Yes, sir.

Q. (Handing a circular.) Look at the paper I have just handed you. What is it?—A. (Examining.) I received this at the store where I am now employed.

Q. Since you have been out of the service?—A. Yes, sir.

Q. What is that?—A. I should say it was a call for ten dollars.

Q. By whom is it signed?—A. Mr. Gorham, secretary of the Republican Congressional committee.

Q. What is the date of it?—A. May 27, 1878.

Q. Is it addressed to you?—A. Yes, sir.

Q. You received that out of the post-office?—A. Yes, sir.

Q. Did you pay the ten dollars?—A. No, sir; I did not.

The CHAIRMAN. Let that be put in evidence.

[The circular is addressed "Mr. W. A. Richardson, P. O., Providence, R. I.," and accompanied by an envelope addressed "Sidney F. Austin, esq., treasurer Republican Cong. Committee, German-American National Bank, Washington, D. C.," and is as follows:]

EUGENE HALE,
Chairman.

HEADQUARTERS

GEO. C. GORHAM,
Secretary.

OF THE

Executive Committee:

Hon. William B. Allison.
Hon. Stephen W. Dorsey.
Hon. Blanche K. Bruce.
Hon. Horace F. Page.
Hon. Charles Foster.
Hon. Jacob M. Campbell.
Hon. Jay A. Hubbell.
Hon. Charles H. Joyce.
Hon. Frank Hiscock.

REPUBLICAN CONGRESSIONAL COMMITTEE, 1878

1319 F Street, northwest, Washington, D. C.

WASHINGTON, D. C., May 27th, 1878

SIR: This committee, charged with laboring for the success of the Republican cause in the coming campaign for the election of members of Congress, call with confidence upon you, as a Republican, for such a contribution in money as you may feel willing to make, hoping that it may not be less than \$10. The committee deem it proper: thus appealing to Republicans generally, to inform those who happen to be in their employ that there will be no objection in any official quarter to such voluntary contribution.

The importance of the pending struggle cannot easily be exaggerated. That the Senate is to be Democratic after the 4th of March, 1879, is very nearly a certainty. In view of this, the election of a Democratic House of Representatives would precipitate upon the country dangerous agitations, which would inevitably add to present distresses. Foremost among their schemes, the opposition already announce their intention to attempt the revolutionary expulsion of the President from his office.

If, by the presentation of three candidates for the Presidency in 1880, the people should fail to choose, the House must elect—each State delegation casting one vote. From what is now known, and with the growing dissensions in the camp of the Union, the committee have good reason to enter upon their work with courage.

Please make prompt and favorable response to this letter, and remit at once by draft.

or postal money order, to "Sidney F. Austin, esq., treasurer, &c., German American National Bank, Washington, D. C."

By order of the committee :

GEO. C. GORHAM, *Secretary*.

By Mr. **WHYTE** :

Q. Was any other demand made on you for that payment?—A. No, sir.

Q. Did you make any reply to it?—A. No, sir; I never paid any attention to it.

Q. Were you in the post-office then?—A. No, sir; I received that at the store after I left the post-office.

Q. How long had you been out of the post-office?—A. A little over a year.

Q. Were you removed from the post-office?—A. Yes, sir.

Q. By whom?—A. I was asked to tender my resignation on the 15th of November, 1877, by Mr. Brayton.

Q. Did you tender it?—A. I did not.

Q. Then were you discharged?—A. I so understood it.

Q. Did you serve in the war?—A. Yes, sir.

Q. In what capacity?—A. Private.

By the **CHAIRMAN** :

Q. What reason was given for your discharge from the post-office?—A. The letter that I received from Mr. Brayton stated that, in his opinion, by appointing a new man in my place it would add to the efficiency of the carrier service.

Q. Was that the reason assigned?—A. Yes, sir.

Q. Had there been any complaint made before that?—A. Never.

Q. Who was put in your place?—A. Mr. F. C. Rider.

Q. Is he still in that place?—A. He was the last I knew.

Q. Who is Rider?—A. I understand that he is in some way connected with Mr. Danielson.

Q. Who is Mr. Danielson?—A. Editor of the Providence Journal.

Q. While you were in that capacity, can you tell the committee anything about interference with the local or general elections by the Federal officials, and in what way. Were you ever ordered to perform any services in that direction yourself or your subordinates?—A. I was never ordered myself to perform any service. Mr. Brayton, at the time of some political caucus in Warwick, and I do not know but at elections in Warwick—I think on both occasions—instructed me when certain carriers came in who were then residents of Warwick, to notify them that he had gone to Warwick and would expect them to go down on the next train, or in the course of the day, to attend caucus and to attend the general election.

Q. Where is Warwick?—A. In the south part of the State of Rhode Island.

Q. How far from Providence?—A. About twenty miles, I should think.

Q. He said you must tell them that he would expect them to return on the next train?—A. He did not say "I must," but requested me to notify them that he had gone down and to meet him there by the next train.

Q. Did they go?—A. Yes, sir.

Q. How many were there?—A. I think there were two of the carriers at that time. There were quite a number of clerks in the office who came from Warwick who went down at various times.

Q. To the caucuses?—A. I think they went to both.

Q. How many clerks are in the post-office at Providence from Warwick?—A. I cannot say what there are there now.

Q. How many when you were there?—A. Mr. Brayton's father, I think, came from Warwick. I think the money-order clerk that was with Mr. Brayton in that department came from Warwick. I do not know his name fully; I think it is Tyler, but I am not sure.

Q. Has Mr. Brayton any other relative in the post office?—A. I think Mr. Brayton's wife's sister was employed there for a short time; I do not know how long.

Q. Do you know anything of the interference of any Federal officials with the elections of the State, or county, or town; and, if so, what?—A. I only know from general report in regard to other officers. Mr. Brayton has been very active in politics. I have seen him at the ward meetings in the first ward, at the caucus meetings. I was only present one evening, when I walked across the street to see what was going on. The meeting had just opened then. After the call to come to order, I think there were about eight persons in the ward room. Mr. Brayton was there, and the witness who preceded me, Mr. Brown, I think, was there. There were two of the police force, and I think two or three other citizens. That was about all.

Q. Did you see any of the political workers, if I may use the expression, about the post-office; and, if so, when, and was it regarded as a headquarters for them?—A. I cannot say that I saw political workers there. I have known of parties being in Mr. Brayton's private office. I did overhear the conversation, and I understood political work was going on. I cannot repeat any conversation now. I knew they were there on political business, and there was general talk in regard to it.

Q. In the post office?—A. In his private office, which is in the post-office building.

Q. Was Mr. Brown ever among that number, do you remember?—A. No, sir; I never saw Mr. Brown there. I only saw him at this ward room with Mr. Brayton that night.

Q. Is Mr. Brown an active politician?—A. I have always understood so; I only know him by sight.

Q. Are there any other of the officials that you have known to interfere in politics? Do you know anything of any money being used improperly, or any other irregularity?—A. I know there were clerks in the office who went with Mr. Brayton to the election. They came from Warwick. I do not know that Mr. William D. Brayton, the father of the postmaster, ever went to Warwick. He was out of my sight, and I cannot say that he went. I know that the others came back, and when they came into the office they said they had been down. At the time that I saw Mr. Brayton in the first-ward meeting, he took the whole control of the meeting. I think it was at the time that they nominated a gentleman for the convention to make nominations for governor this last election. Mr. Brayton proposed the name of Mr. Angell as a candidate. I think he is connected with the American Screw Company. Mr. Angell, I think, shook his head, as much as to say he did not choose to be a candidate. Mr. Brayton stepped over to him, and after making a few remarks—I could not hear what he said, I was not in the ward room, I was standing right at the door—I cannot say whether that was put to a vote then or not, but at any rate Mr. Angell stood and was elected.

Q. After that conference between Mr. Brayton and himself?—A. Yes, sir. After that I think Mr. Brayton offered a resolution that Mr. Ar

gell have power to fill the vacancy in case he left the city or for any cause could not be present, and I think Mr. Brown at that time offered some other little resolution ; and that was about all there was to the meeting.

Q. Were clerks at any time detained in the post-office to do political work after office hours ?—A. Not clerks that I know of.

Q. Anybody in the post-office ?—A. Carriers are obliged to take out ballots on the day before election, I think.

Q. Letter-carriers ?—A. Yes, sir ; the day before election, a great many times—the ballots. At one time I knew of the ballots being fixed in the office.

Q. What office ?—A. Mr. Brayton's private office. E. G. Burrows, the appraiser of foreign merchandise, was present. There was another gentleman present. I think it was Mr. John E. Burroughs, but I am not positive. I know there was another gentleman present. The porter of the office and myself were there. In order to get out the carriers as soon as possible at that time, I assisted by taking the ballots, as fast as they would inclose them in the envelopes, to the mail room. Some of them I put stamps on and then took them to the carrier department, where we tried to arrange it as near as we could in the assortment of these ballots to get as many carriers that went in a certain section of the city to get theirs together. Instead of my distributing them, as I generally did mail matter, we handed these to the carriers themselves and let them run them right through. In one case I think there were two or three that had these ballots for a certain section of the city that they took and ran right through. There were two of those men that should have gone out of the office by half past one, that did not go out until four o'clock in the afternoon. At that time the New York mail arrived about that hour, and those men did not take the mail then and did not take it that day.

Q. They were employed, I understand you, in carrying out those ballots ?—A. They took those with their regular mail matter. On other occasions I have known them to go out by Mr. Brayton's direction in the evening, after they had performed their regular duty for the day. They would have gone home at that time, but they were obliged to take out these by instructions to me from the postmaster that these men be held and take these tickets and distribute them throughout the city. Some of the carriers did not get through till between nine and ten o'clock at night. One, I think, of the carriers told me that he had so much of it to do in his section (which was quite a large section ; I think at that time he only made one trip a day), that he employed a substitute to go with him and paid him out of his private purse.

Q. To help him distribute these ballots ?—A. Yes, sir.

Q. Do you remember what election that was ?—A. I do not remember, because I never thought I should be called on for such things.

Q. Was it since Mr. Brayton has been postmaster ?—A. Certainly ; it was all under his administration.

Q. He gave you these instructions as to the carriers ?—A. Yes, sir ; they were verbal instructions, not written ones. At another time, of an evening—we had had a cold drizzly rain, something similar to this day—the carriers came in ; I think it was in the fall of the year that I left the office ; Mr. Brayton told me that he would like to have me keep one or two carriers when they came in to distribute ballots in the first ward. When the men came in, I told them what Mr. Brayton expected, and they waited quite a while. The ballots did not seem to come along. The porter of the office informed me that they were being fixed in a

building across from the office, he said in Jesse Eddy's liquor store, and probably it was upstairs. As those were brought in, the carriers assorted them for themselves, or I do not know but that I assorted them myself, and they took them out. They got tired of awaiting, and at last started off. It was dark, and they had to stop under the lamp-posts to read the addresses on the envelopes. They did not finish the work that night. They only had a small quantity with what was to go out. Mr. Brayton did not give me the instructions, but I understood when I came back from tea that Mr. Brayton had instructed what substitutes there were there, that they were to be on hand in the morning and take these things out on the different routes, so that the people would have them before the time for voting commenced. One other carrier that was to go that night, I understand, made some arrangement with Mr. Brayton not to go out at night but do it in the morning early.

Q. Was that extra duty?—A. I considered it so.

Q. Were the ballots in envelopes?—A. In envelopes regularly mailed.

Q. Were they stamped?—A. Yes, sir; regularly stamped.

Q. The first batch you spoke of were prepared in the post-office building, as I understood you?—A. Yes, sir; in the postmaster's private office.

Q. On the second occasion they were prepared across the street?—A. So I was informed. I knew nothing personally about them; I did not see them.

Q. What kind of a place is Eddy's store?—A. A wholesale liquor store. I do not know that they were prepared in there. I was only told they were prepared over at Jesse Eddy's store. Whether it was in his store or some other part of the building I cannot say. He owns the building.

Q. Are there any other irregularities in the management of the post office you can mention? If so, state them.—A. I have seen considerable intoxication in the office.

Q. Who was intoxicated?—A. Clerks and carriers and postmaster.

Q. In the post-office?—A. Yes, sir.

Q. Do you remember at what time that was? Was it before your discharge?—A. Yes, sir. I think after Mr. Brayton came to the office everything ran along very smoothly for a year or more, with the exception of one or two instances among the clerks.

Q. What were those?—A. Intoxication.

Q. After a year or two what happened?—A. After that it seemed to be a kind of general thing all around.

Q. What, drunkenness?—A. Yes, sir. I have known clerks to be intoxicated there in the office so that they were unable to perform their work. I have known the postmaster to be in the office very much intoxicated indeed.

Q. The postmaster, General Brayton?—A. Yes, sir; General Brayton.

By Mr. CHANDLER:

Q. When?—A. During his term of office.

Q. What particular day or night?—A. I cannot give the particular day or night. It was a kind of common occurrence from the time it commenced until I left the office.

By the CHAIRMAN:

Q. Did you see any liquor there?—A. I have seen liquor there; that is, I suppose it was liquor. I was asked to drink out of a bottle of liquor that was in the postmaster's private office. One of the clerks

the office asked me. This was at the time President Hayes was there on a visit. I noticed it more particularly at that time because I had seen it stated in the papers that the President requested there should not be any liquors about when he was around. I stepped into the postmaster's office; I noticed the smell of liquor; the clerk stepped out of his office and said he had just taken a drink, and asked me if I would not take one. I told him I did not use it at all. He said there was a bottle of brandy there and would I like to have some. I told him I did not use it at all. I have also seen kegs of ale brought in there. At one time, I think on a Saturday night, either ale or beer was brought in in kegs, and a large lot of dishes. I understood on the following Monday that they were to be used out of the city by the postmaster and some of his friends. The chief clerk in the office told me on Monday that he was an invited guest, and that there was a pretty rough kind of time. He had a bad mark on his forehead, he said caused by the shying of a stool.

Q. Had they a shindig, do you think?—A. He told me he was sorry he went; he got hit on the head with a stool and was sorry for it.

Q. Who was of that party?—A. I do not know of anybody else, but I understood it was some arrangement of the postmaster's, and that Mr Kendall, the chief clerk, was invited.

Q. Is there any other circumstance you recall now?—A. It was general report in the office that there were many good times in the postmaster's private office evenings. I have known in the morning when I have gone there, most of the carriers' stools would be missing. When I got back to the office after breakfast, about nine o'clock, they would be brought in by the porter, and I have known large pails of slops to be brought out of there that smelt very strongly of liquor, lemon-peel floating on it, cigar-stumps, and so on. At one time I think the porter brought out a large number of empty bottles and placed them under the sink in the main office.

Q. Out of the post-office building?—A. Out of the postmaster's private office. It was reported in the office by clerks who had been on during the evening, that they had had a pretty hard time there that night. I know nothing about it more than I saw.

By Mr. WHYTE:

Q. You speak of the postmaster's private office. Is that an office furnished him by the United States?—A. It is in the building; it is his private office; that is, the clerks do not use it for public business, nor do the public.

Q. But it is an office belonging to the post-office?—A. Yes, sir; it is in the building.

By the CHAIRMAN:

Q. Well, sir, is there anything else you can think of?—A. I do not know.

Q. Do you know John Burroughs? Did you ever see him about the post-office?—A. I have seen him there occasionally. I have seen the appraiser of foreign merchandise in there.

Q. Is he an active politician?—A. He has always had that reputation. I know nothing personally. I have never seen him active. He was not a new ward that I was.

By Mr. ROLLINS:

Q. Did you receive the Gorham circular while you were a Federal officer?—A. No, sir.

Q. While a Federal officer did you receive any circular of that character whatever?—A. No, sir; I never knew of any circular or anything of that kind being called for in the office.

Q. While you were employed by the government?—A. No, sir.

Q. Were you ever asked to contribute to any election expenses, or did you ever contribute?—A. No, sir.

Q. You never gave anything?—A. No, sir; I think if I had been asked I should have contributed. I should have considered it safe under the circumstances.

Q. Were you ever asked yourself to perform any political work?—A. No, sir; I did do a little one day for Mr. Brayton. He asked me to go up into the tenth ward room. He gave me a ten-dollar bill, and asked me if I would not go up and see how the vote stood in the tenth ward. I went over to the depot, took a carriage, and went up there, came back and went into the post-office. He was not there and no one seemed to know exactly where he was. I thought it might be a little something important to him and went to the Journal office, saw him and reported. Afterwards he requested me to step over to the printing-office and see in regard to the printing of some tickets; that is, to order some more tickets printed. I did that for him. Afterwards those tickets were sent into the post-office; I went out and found Mr. Brayton. He requested me to send a telegram, I think, to Bristol, that the tickets would be sent down on the next boat. I sent the telegram, and after the tickets came into the office I went out and found Mr. Brayton and requested him to step into the office and see about them. He told me to do them up and take them down to the boat and give the man half a dollar or something of that kind, I think. When I went to the telegraph-office to pay for the telegram he offered me some more money, but I told him I did not need it; I had money then that belonged to him. I paid for the dispatch and paid the man the half dollar. This was about the time I would be at my dinner, and as I was without dinner I stepped into a saloon and got my dinner for thirty-five cents out of the money.

Q. You made no improper use of the money?—A. No improper use of it. I turned over to Mr. Brayton the balance the next morning.

Q. He paid you the incidental expenses of your trip?—A. Yes, sir.

Q. And you returned the balance?—A. I returned the balance to Mr. Brayton. I never took any receipt. I knew it was all right as far as that was concerned.

Q. Do you state that some of the letter carriers were intoxicated?—A. Yes, sir.

Q. Who were they?—A. My own brother, I think, was intoxicated there.

Q. Was he a letter-carrier?—A. He was, and is now.

Q. Did you recommend his discharge?—A. No, sir; I reported him to Mr. Brayton. I had noticed him and others, different ones, intoxicated. I had noticed others more especially, but when I saw him I thought, "this is a bad example; I am here superintendent of carriers, and for my brother to be here intoxicated and me not to say anything has rather a bad look." He was the only man I reported to the postmaster, or ever did report to the postmaster for being intoxicated. He was the first man and I never reported anybody after that, because there was so much of it. I thought my business was at an end, as far as that was concerned.

Q. Is your brother employed in the post-office now?—A. I think he is; he was the last I knew.

Q. Do you not know that he is?—A. I say that the last I knew he was there; I suppose he is.

Q. You have no doubt about it?—A. No; I do not think there is any doubt about it. I do not suppose he has been removed since I came down here.

Q. You have stated that you were a soldier. Were you discharged from the service by reason of disability arising from wounds or sickness incurred in the line of duty?—A. No, sir.

By Mr. WHYTE:

Q. Were you discharged from the military service of the United States by reason of the expiration of your enlistment?—A. Yes, sir.

Q. You are aware that there is a statute recommending to the merchants and bankers throughout the United States to employ such soldiers who have been discharged in that way?—A. Yes, sir; I was aware of it at the time I made my application to be appointed.

By Mr. CHANDLER:

Q. You stated that Mr. Rider, your successor, had some connection with the Providence Journal. Be kind enough to state what that connection was?—A. I do not know that I said he had any connection with the Providence Journal.

Q. What relation is he to Mr. Danielson?—A. I did not say he was a relation. I said he was connected in some way with Mr. Danielson, as I understood. I understand that Mr. Rider's mother is Mr. Danielson's housekeeper; that is all. A gentleman stopped me on the street and told me that was probably the reason why I was removed, that Mr. Danielson had probably got to look after Mr. Rider.

Q. I do not quite comprehend you. You say that the mother of Mr. Rider was Mr. Danielson's housekeeper?—A. Yes, sir.

Q. Is that any relationship?—A. I did not claim any relationship. I said he was connected in some way. I do not know anything about Mr. Rider's relationships.

By the CHAIRMAN:

Q. Who was it told you you would have to go; that Mr. Danielson would have to take care of Mr. Rider?—A. I cannot tell who the gentleman was, because it is some little time since I was removed; but I was met in front of the post-office and a gentleman came along and said, "I understand you are out." I said "Yes." "Well," said he, "anybody can see through that." "Well," said I, "I do not know anything about it; I know I am out, and that is all there is to it." "Well," said he, "whom have they put in your place?" I said, "Mr. Rider, as I understood." "Well," said he, "any one can see through that easily enough. Mr. Rider's mother is housekeeper for Mr. Danielson, and probably he has got to fix up some place for the Rider boys." That is the way I understood him. I never paid any further attention to it than that. It made no difference to me who filled my place, or how he came there. I had to go, and I went; and I never have objected to it; I only found fault with the manner of my going; that was all.

By Mr. ROLLINS:

Q. How long did you hold a government position or were you employed by the government?—A. I was under Mr. Brayton about five or six years.

Q. But what was your entire employment?—A. No; I was not under

Mr. Brayton five or six years, because I was not there when he was re-appointed. I think I was there thirteen years altogether.

Q. You were a government officer for thirteen years?—A. Yes, sir.

By the CHAIRMAN :

Q. Was Mr. Rider a soldier?—A. Not that I know of; I never knew that he was.

By Mr. BECK :

Q. You made one statement that I wish to understand. Do I understand you to say that the mail carriers while distributing tickets for election purposes were detained so that they could not make their ordinary distribution of the mail, and that the New York mail came in and was not attended to?—A. Was not attended to by those carriers. I think there were two who did not take out any New York mail that night. Those carriers make three trips a day.

By Mr. WHYTE :

Q. Part of the mail, then, was left over?—A. That part of it at that time.

By Mr. BECK :

Q. While those tickets were being distributed for elections?—A. Yes, sir; they had their mail matter for the balance of the day and these tickets piled together for their routes, and they went out of the office just about four o'clock, just before this New York mail came in.

Q. Having been detained from one to about four getting up those tickets?—A. Yes, sir.

By Mr. CHANDLER :

Q. Were those the tickets of one party, or of all parties?—A. I cannot say how that was; I should naturally suppose they were those of the party that had the controlling power at the time.

Q. Were they stamped or unstamped?—A. The envelopes were stamped.

Q. Had they the regular postage-stamps on?—A. I think they were stamped envelopes.

Q. And, for aught you know, both parties furnished the tickets that were distributed at that time?—A. As the matter was fixed up in Mr. Brayton's office, I should not suppose and do not believe it was for any other party than the party I belonged to at the time.

Q. Did you ever know the post office to refuse to deliver tickets or anything else when regularly deposited in an envelope with a stamp on?—A. I never saw any tickets deposited in the post-office regularly.

Q. They were all sealed, were they not?—A. No, sir; they were fixed in the postmaster's office and the tickets put in. I helped do it.

Q. How do you know that the Democratic tickets were not sealed up and deposited for distribution the same as the Republican ones?—A. I told you that I never saw any.

Q. How do you know what was in an envelope that was sealed?—A. I do not know; I say I never saw any.

Q. Of course they would not show them to you?—A. Certainly not. You asked me if I knew about it; of course I did not, for I did not see them. If the Democratic party, or the Greenback party, or the Republican party, or any party dropped any mail matter into the bags and it came around in its regular course to me, that would be the end of it; I should not know whether it was tickets, or what it was; but in this case I did know because I assisted in fixing them.

Q. That is, you know you had certain Republican ballots to distribute but you do not know but that you had Greenback and Democratic ballots to distribute at the same time?—A. I cannot tell by general supposition.

By Mr. BECK:

Q. But these particular tickets came from the postmaster's office, being Republican tickets which you yourself had helped to put up?—A. At that time, yes, sir.

Q. And the mail-carriers with the regular mail were detained for nearly three hours in order to distribute them, to the loss of a portion of the New York mail for that day?—A. Say from half past one to four o'clock.

Q. To the delay of at least a portion of the New York mail?—A. It delayed the distribution of the mails they already had from half past one until about four o'clock; it was a delay of that matter. The New York mail was not delivered until the next morning on their regular trip.

By Mr. CHANDLER:

Q. What time did you say they went out to deliver these tickets?—A. About four o'clock.

Q. Had the New York mail arrived when they went out?—A. I think not; the New York mail did not arrive at the office at that time generally until about ten minutes past four, and then it was assorted by the assorting clerk, and those letters brought down to me and then re-assorted for the carriers.

By the CHAIRMAN:

Q. Something has been said about Republicans and Greenback, and Democratic parties; do you think Mr. Brayton would have kept a mail bag for the Democratic party?—A. No, sir; I think Mr. Brayton is a little too strong for that. I do not think I should if I had been in his position.

The committee adjourned to Monday next at 10 o'clock a. m.

NEWPORT, *Monday, August 18, 1879.*

The committee met pursuant to adjournment.

Present, the Chairman and Messrs. Whyte, Beck, Chandler, and Rollins; also Senators Anthony and Burnside.

HENRY A. GREENE sworn and examined.

By the CHAIRMAN:

Question. Be good enough to state to the committee where you reside and how long you have resided there?—Answer. I reside in Providence. I have lived there since 1866.

Q. Were you a soldier in the late war in the Union Army?—A. Yes, sir.

Q. Explain to the committee what positions you held in the Army, and where.—A. I enlisted in California when the war broke out. I am a native of Rhode Island; lived in Providence before I left for California. At the commencement of the war General Francis J. Lippitt commenced raising a regiment when he heard that Sumter had been fired on. He commenced to raise it on his own responsibility. When he commenced he sent word by pony express to Stanton of what he was doing, and asked them to accept that regiment in New York, offering the expense to the government. As soon as I heard that he was raising a regiment

I closed my business at Nevada City, about 200 miles from San Francisco, and went there and enlisted in his regiment as a private. He recruited up to eight companies; recruiting was a little slack, when I told him I could raise a company for his regiment in the mountains, of good men, if he would allow me. He gave me permission. I went there and recruited a company for his regiment at my own expense. When he got word from Stanton, Stanton said, "I cannot accept of your proposition; all the men on that side of the mountains will be required there." That put us in a dilemma, and we partially disorganized. Then in July, 1861, President Lincoln called for 75,000 men. California's quota was 5,000 infantry and 1,500 cavalry. Lippitt telegraphed me to recruit my company up to the full standard, as our services would be needed. I had kept up my organization as far as the non-commissioned officers and officers were concerned. I recruited my company up to the full standard, and then I took them and transported them at my own expense to San Francisco and reported to General Sumner. The regiment that Lippitt recruited first was afterwards designated—most of the men were—the First California Infantry, Col. James Carleton commanding. I was mustered in as captain of Company D of that regiment. We were sent down into Lower California. We supposed we were coming East when we enlisted. The regiment was sent down into New Mexico, Arizona, and Texas. I served there three years. July 18, 1864, I was appointed major of the First New Mexican Volunteers. I declined the commission. After being mustered out at Fort Craig on the 31st of August, 1864, I came East. After I had been home six weeks, which made it about the 5th or 6th of December, 1864, I applied for a position in Hancock's First Army Corps. I had been away from home then thirteen years, not having seen my family. I was ordered to go before the board in Washington for a commission; went there and was recommended for a captaincy. I was appointed a captain in the Second United States Veteran Volunteers. I believe my appointment dates from February 14, 1865. I have the papers here, and will put them before the committee when I am through. I remained in the Army until mustered out in August, 1866.

Q. Did you see any rebels while you were in the United States Army?
—A. Yes, sir. I did not see many of their faces; we saw some of their backs.

By Mr. ROLLINS:

Q. Where?—A. Captain Wellman, of the First California Cavalry, Company G, was sent out to capture some rebels that were going from California to meet the Texans, who were within eighty miles of the line—Captain Hunter, with his cavalry company, at Grinnell's rancho, eighty miles east of Fort Yuma. The rebels were coming down from California, and my company was sent out to capture them. They were in the mountains. We were camped then at what was called Oak Grove, near Warner's ranche, or included in what was known as Warner's ranche. They came through a mountain pass. We were on the Butterfield route, the regular mail route.

By the CHAIRMAN:

Q. You were honorably discharged from the service in 1866?—A. Yes, sir.

Q. Have you ever held a position in the custom-house at Providence?
—A. Yes, sir.

Q. What was that?—A. I was coastwise inspector.

Q. How long did you hold that office?—A. A little over eight years, from September, 1870, to March 9, 1879.

Q. Was any complaint made of the manner in which you discharged your duty as coastwise inspector, that you know of?—A. Never.

Q. Were you turned out of that office?—A. Yes, sir.

Q. By whom?—A. By Cyrus Harris. I have my letter of dismissal here.

Q. You mean the present collector?—A. Yes, sir.

Q. Just read the letter of dismissal?—A. It is as follows :

CUSTOM-HOUSE, PROVIDENCE, R. I.,
Collector's Office, March 7, 1879.

SIR: The collector directs me to inform you that your services as inspector will not be required after the 9th instant.

Respectfully,

E. C. ASHLEY,
Deputy Collector and Clerk.

Capt. HENRY A. GREENE.

Q. Is that the only notice you had?—A. The only official notice.

Q. Explain as briefly as you can something of the character of the duties you performed as coastwise inspector, and how you performed them?—A. The duties of the coastwise inspector are to board coastwise vessels when they come into port. They have an enrollment and a coastwise license. When they come into port, they are required to have a manifest. The license runs for a year, and the enrollment for a year without there is a change of owners. Then we get the quantities of merchandise of certain kinds; that is, the quantities of coal, the quantities of cotton, the quantities of grain, of flour, and of wool brought into the port of Providence. That is all the account of any merchandise we make. We take the quantities from the captain or from his manifest, as we choose, or in any other way, and make quarterly report of that to the collector. It is our duty to see that the name of the vessel is on her stern in plain letters. It is also our duty to see that her tonnage-register and her number are carved on her main beam. We have nothing to do with foreign vessels. Steamboats have a certificate of inspection from the inspector of boilers and hulls. That certificate states the number of pounds of steam the steamboat can carry, states the number of buckets she must have, the number of axes, the number of feet of hose, the number of life-preservers, and also states the number of passengers she is allowed to carry. Excursion steamers have what is called a special permit. That is generally given from June to October, during the excursion season. They are allowed then a greater number of passengers than on their regular trips. For instance, the steamer Rhode Island is only allowed, I think, when she goes outside to New York, between four and five hundred persons, but her excursion permit allows her—I think it did one season—two thousand passengers. There is another steamer allowed fifty or sixty passengers regularly, but has been allowed as high as nine hundred passengers by her special permit.

Q. Is it the duty of the coastwise inspector to see that the boats conform to these certificates?—A. Yes, sir.

Q. Whilst you were a coastwise inspector did you do that?—A. Yes, sir. When General Shaw took the collectorship of Providence, there had not been much regard paid to the passengers; steamers would come up sometimes so crowded that the passengers would sit on the rail with their feet hanging over and the guard would be under, and the feet of passengers would almost touch the water. There was very little regard

paid to the number of passengers a steamer carried in Providence. Of course it was considered safe enough to get all you could pile on, as the river was narrow and shallow. After Shaw was fairly installed—of course he did not do it the first month, the first week, or the first day—he went about and saw how things were. He told me he would hold me responsible that no steamer went away from the wharf with more passengers than she was allowed. My duty was to be there when the first steamer went out, it made no difference what time it was, and I must satisfy myself that she was not overloaded. I made it my duty during the excursion season to attend to that, whether I did anything else or not, as I was responsible. When there were large parties coming down, it was generally stated in the papers, excursions from different States or different towns, and when the Grand Army went down to Rocky Point there would be from five to ten thousand passengers. Then, of course, I made it my special duty to know the number of passengers that went on. If I did not know when they went on, I got on board the steamer and went to Rocky Point and counted them off, so as to be sure that I knew pretty nearly; of course I could not tell within five or six. Steamers have carried a thousand or fourteen hundred passengers, more than they were allowed. Of course five or six passengers in such a number amounts to nothing one way or the other. At times, I think at one time, two weighers and gaugers of foreign merchandise were detailed to assist me in counting the passengers so as to be sure that they did not have more than they were allowed, and he also sent me down to Rocky Point, I think it was five years ago when the Grand Army turned out there in great numbers, and told me to tell Mr. Mauran he should hold him strictly responsible to the letter of the law if he carried more passengers than the certificate allowed him.

Q. What was your rule in reference to coastwise vessels coming in after dark?—A. We did not visit them if they came in after dark. My orders were to go down on the wharves and be around about ten hours a day. If I knew of anything to do outside of that, it was my duty to do it. When they had moonlight excursions it was my duty to go down there and watch and see that the steamer which was going out did not have more passengers than she was allowed. Sometimes they did not leave until 8 or 9 o'clock.

Q. Have they had any moonlight excursions this season?—A. Some four or five. I was not satisfied with the number of passengers carried down to Sylvan Spring. One night I went down there and counted them when they went off the wharf. The wharf was lighted with lanterns. General Shaw made that a specialty almost in regard to passenger steamers.

Q. Do you know where the coal-wharf is at which Major Pomroy is clerk?—A. Yes, sir.

Q. Could you stay on that wharf and discharge the duty you have just designated as part of the duty of coastwise inspector?—A. One would not know anything about the business at all there.

Q. Can he, in point of fact, discharge properly the duties incident to the office of coastwise inspector and remain employed on that wharf?—A. Generally not. Sometimes, when the river has been frozen up six weeks so that no vessels can come up, he might do it; but it takes full time during the excursion season; it takes ten or twelve hours a day to do the duty, and hard work at that. Of course when the bay is frozen up, as it has been for times six weeks, I did not go down the bay at all; but a person has all he wants to do and all he should do during the ex-

cursion season. The rest of the year he can rest; it is not a hard berth during the rest of the year; still it is pretty busy.

Q. Where are the coastwise inspector's duties principally—on the wharf or in an office?—A. He does not have any office; the business is out of doors on the wharf, going up and down the wharves. General Shaw told me that he thought a man ought to patrol the wharves about the same as a police officer did his beat; but I think he stated that a little too strongly.

Q. Who was your predecessor in this position; do you remember?—A. I think it was John Burroughs.

Q. Was Mr. Purkis ever employed in the custom-house?—A. Yes, sir; he was employed there for some nineteen years, I believe. He is there now.

Q. Was he a soldier?—A. No, sir.

Q. Is he in the employment of the custom-house now?—A. Yes, sir.

Q. Is he an active politician?—A. Always considered so. They call him a third ward politician. Of my own knowledge I never saw him at the polls.

Q. Was he ever removed from office?—A. Yes, sir.

Q. By whom?—A. General Shaw.

Q. On what account, do you know?—A. General Shaw had instructions from Washington to reduce the expense of the custom-house, and also the number of inspectors. It was left to his discretion, I believe, how he should make the changes and how to reduce the expenses.

Q. How did he proceed?—A. The weighers and gaugers and foreign inspectors were reduced from four to three dollars a day. Purkis and, I think, Mr. Rhodes were discharged.

Q. Was Purkis reinstated, and by whom?—A. He was reinstated against the wishes of General Shaw. General Shaw was asked to recommend his reinstatement, but refused. He was appointed, however, or reinstated.

Q. He was reinstated in face of the opposition of the collector, General Shaw, I understand you?—A. Yes, sir.

Q. Something has been said about your having been on the police force as a patrolman. Explain that.—A. When I made the application to General Shaw to have a position in the custom-house I was a patrolman in Providence, belonging to the regular police force.

Q. Night patrolman?—A. Night patrolman. When I made my application General Shaw knew of it. He held a consultation with Mr. Ashley, the deputy collector, who had been there eighteen or nineteen years. He said that others—I think my immediate predecessor, if not others—had had some other business, and when I went on there were two inspectors to do one's work; that is, I was on one week, and the other inspector was on the next week; so I only came on every other week. The salary was not sufficient of itself to enable a man to make a livelihood, so they allowed the coastwise inspector to have other business besides, if it did not interfere with his duties. My night patrol had nothing to do with my day work. I patrolled nights and had all the day to do the duty every other week. General Shaw consented, knowing that I was a police officer, and he held a consultation with Mr. Ashley, as I said. In February, I think, 1872—I may not be correct in the date—Grant issued his order that no person holding either State or municipal office should hold a Federal office at the same time. General Shaw construed that as meaning me, and told me that I must either give up one position or the other. I considered the matter, and I resigned my position on the police force. When I did so, at the same time, the Gen-

eral said that I could have a position in the collector's office if I desired it, and he would do what he could to make it a paying office. So he wrote to Washington, as he informed me, advising that inspectors should have continuous work at three dollars a day; that both should be employed all the time, and that they should have no other business. His recommendation was approved. I was appointed, with instructions to do no other business outside, and I did not.

Q. Did you do other business since that time up to your discharge?—A. No, sir.

Q. I understood you to say that no complaint had been made of the manner in which you discharged your duty as coastwise inspector?—A. I never heard of any. I should also state that I was detailed frequently as foreign inspector. I was also detailed to be boarding officer, whose duties were down the river four miles.

Q. Do you know anything of the interference of Federal officials with elections in Rhode Island? and, if so, state the cases.—A. I do not think I ever saw any improper interference at all. Of course, the Federal officials were politicians, active, but I never went to the polls and staid over five minutes in my life, except at a primary meeting, unless I was detailed there when on the police force.

Q. Do you know Mr. Ed. G. Burrows?—A. Yes, sir.

Q. Is he an active politician?—A. He always has been; chairman of the city committee once, I think.

Q. Is he in any other business than that of appraiser in the custom-house?—A. Yes, sir.

Q. What is it?—A. He keeps boys' clothing—a first class boys' clothing store.

By Mr. ROLLINS:

Q. You say you enlisted in California?—A. I enlisted in California. Q. During your term of service were you in any engagement or skirmish where any soldier was wounded or killed?—A. Yes, sir.

Q. Where?—A. On the Rio Grande, thirty miles below Fort McRae.

Q. At what time?—A. I think it was in August, 1863.

Q. What was the engagement, and how many were killed or wounded?—A. I was appointed in command of Fort McRae July 4, 1863. This was a fort outside of the regular mail route. There was a mail route from Santa Fé down to El Paso, and into the adjoining State of Chihuahua—El Paso on the Mexican side and the town of Franklin in Texas. My post was off the main road.

Q. You were there to protect the mail route?—A. No, sir. When the stage left Fort Craig to cross the Rio Grande, they had one hundred miles to travel without water, only what water they got from puddles. If there happened to be a rain they might possibly pass through and get water. Sometimes the rain is not oftener than six months or three months, and then there will be what they call a cloud-burst, and it will come down in torrents and not cover more than ten acres. My camp was flooded and the sun was shining brightly just beyond; water would be coming down the cañon eight or ten feet high, and we could not see a cloud where we were. So it is a very difficult matter to get water. This stage had to pass the Jornada from Fort Craig. They did not strike the Rio Grande again for 100 miles, and they crossed it at Fort Craig, or near Fort Craig, and then struck out again at Roblero, which is about three or four miles from Las Cruces. I was nearly half-way in this Jornada. This post was established one mile from the Rio Grande. I was there with my company. The mail-stage came once a week; it stopped

at my post to recruit the horses generally, water up, and they generally had three or four passengers. I entertained them at my quarters. Sometimes they would arrive at ten o'clock at night, or one o'clock or two o'clock. They came there in August; I have not the exact date. They had just come from the States and were armed with repeaters; there were six or eight of them, and they could lick all the Indians there were in that country. So they started out from my post with a few passengers and the United States mail. About three or four o'clock in the afternoon they came in with a few mules. They had thrown their coats away, boots, and trunks, and everything, frightened nearly to death. They had been attacked at a place called Alleman. Alleman was a little cabin on the road. A Dutchman was killed there, and so it was called Alleman, about thirty miles from my post. They lighted the carriage, threw away the ammunition, threw their boots and everything else off and came into my post with three mules. I think they had eight when they started. My company was infantry. I mounted my men on the team-mules and started, I think, about five o'clock in the afternoon; put on some old saddles that I had there—condemned cavalry saddles. I got to the Point of Rocks at ten or eleven o'clock that night. We could see the camp-fires of the Indians off at a distance, some ten or fifteen miles. Next morning at daylight I struck their trail. After they left this Point of Rocks they went towards the Rio Grande, which was west. I followed their trail, winding around in these cañons. If I had gone directly to the Rio Grande it would have been ten or fifteen miles, but the way we went it was 25 or 30. We went as fast as we could get our mules to go, and struck the Rio Grande, I judge, about noon. I had a lieutenant and ten men, I believe, as we came down to the river through the cañon.

Q. This skirmish was with the Indians?—A. Yes, sir; but I have not got through yet.

Q. Did you have any engagement with the rebels?—A. No, sir.

Q. I do not care about inquiring into the other matter.—A. You wanted to know if I was in any fight with the Indians.

Q. No; I said nothing about Indians.—A. I understood you to ask if I had been in any engagement where any one was killed.

Q. I have no objection to your going on.—A. I do not care about going through with it. The amount of it was that I struck the Indians and we had a fight, seven or eight Indians against ten men. We forded the river and had a fight, and one of my men was killed. That is the whole sum and substance of it.

Q. You came east after you had served out your term of service in the California regiment?—A. I did.

Q. Were you in any engagement after you came east?—No, sir.

Q. Was the war closed then?—A. No, sir; it had not closed.

Q. Did you enlist again, or were you in the service again after you came east, before the surrender of Lee?—A. Yes, sir.

Q. Were you honorably discharged from the service by reason of sickness or wounds incurred while in the line of duty?—A. No, sir.

Q. You acted as coastwise inspector for some eight years?—A. Yes, sir; a little over eight years.

Q. During what portion of that time were you a police officer?—A. I was appointed as coastwise inspector to take effect September 1, 1870, and I gave up my position on the police force March 27, I think, 1872.

Q. You were a night-patrolman?—A. Yes, sir.

Q. And during that time you acted as night-policeman and as coastwise inspector during the day?—A. Every other week; yes, sir.

Q. And you were only employed as inspector every other week?—A. Yes, sir.

Q. But during that week you acted as night-policeman and coastwise inspector?—A. Yes, sir.

Q. What was your compensation as night-policeman?—A. I believe it was \$2.75 a day, or \$2.50, I am not sure which.

Q. What was your compensation as coastwise inspector?—A. Four dollars a day, every other week.

Q. Being something over \$700 per annum as coastwise inspector?—A. I have not figured it; it was about that, I suppose. It would be equal to two dollars a day continuously.

Q. Did you board coastwise vessels before they landed at the wharf?—A. Very often. Every summer I have been down on the tugs, and I have visited them twenty miles below. It was not my duty, though.

Q. It was your duty only to visit them when they landed at the wharf?—A. Yes, sir. It was not my duty to go down, but I would be on the water on the tugs, and could see everything that was coming up. It was a matter of convenience to myself.

Q. While coastwise inspector was your attention called to section 4496 of the Revised Statutes?—A. I do not know what that section is. Everything that referred to coastwise inspection our attention was called to; the circulars and orders were put on the desk so that we could see them—coastwise and foreign.

By Mr. WHITE:

Q. Section 4496 is:

All collectors or other chief officers of the customs, and all inspectors within the several districts, shall enforce the provisions of this title against all steamers arriving and departing.

Section 4997 is:

Every collector or other chief officer of the customs, or inspector, who negligently or intentionally omits any duty under the preceding section, shall be liable to removal from office and to a penalty of one hundred dollars for each offense, to be paid for in an action of debt.

A. I think I have read them.

By Mr. ROLLINS:

Q. Was your attention called to those sections?—A. I will not say particularly. General Shaw put the statutes on the desk with instructions to read them.

Q. You were familiar then with the provisions of this title of the statutes?—A. I cannot say that I was particularly familiar with them.

Q. Did you enforce all the regulations prescribed by the statute?—A. To the best of my knowledge and ability.

Q. State in brief what the provisions of the statute are in regard to vessels.—A. I have only heard it read now. I cannot repeat the statute.

Q. Have you complied with the provisions of the statute in all respects?—A. To the best of my ability.

Q. Was not a steamer of the American or Continental Steamboat Line fined for a violation of the custom-house laws while you were coastwise inspector?—A. Yes, sir; I think it was.

Q. Whose duty was it to report this violation of law?—A. I do not know as to that particular case.

Q. Was it not your duty?—A. I do not know whether it was or not.

Q. Was she not a coastwise vessel?—A. Yes, sir.

Q. You were coastwise inspector?—A. Yes, sir.

Q. Then why was it not your duty to report a violation of law?—A. Because perhaps I had nothing to do with it.

Q. Did you or not?—A. I do not think I made the complaint. You will understand that there were two coastwise inspectors, one on one side of the river and I was on the other.

Q. How could you properly discharge your duties as coastwise inspector during the day and perform your duty as a police patrolman during the night?—A. Because I went patrol seven hours.

Q. Your duty as inspector required your attendance upon the wharf from sunrise to sunset?—A. No, sir.

Q. What hours?—A. There were no hours specified at that time. We were to visit the vessels that came in.

Q. But was it not the duty of an inspector to be on the wharf in readiness to examine vessels at all times during the day when vessels were likely to enter the port?—A. It was his duty to visit coastwise vessels that came in during the day at any time when he saw fit.

Q. Then you found it perfectly convenient to perform the duties of a policeman seven hours each night during the week, and perform your duties as coastwise inspector during the entire business hours of the day?—A. As a night patrolman my duty had nothing to do with day-work. That was night-work, which did not interfere with my day-work at all.

Q. But you must have time for sleep?—A. Yes, sir.

Q. Were there moonlight excursions during your service?—A. Yes, sir.

Q. Could you count the parties upon a moonlight excursion-steamer while performing your duties as night patrolman?—A. At that time, as I told you at the commencement, General Shaw did not make that a specialty; but he got regulated, and found out how things were going. I do not know how long it was, but it was a year or two before that was a specialty.

Q. Did you not perform the duties of both these positions for nearly two years?—A. Over a year. At that time I was not instructed to look after the steamers.

Q. Was your beat as patrolman near the wharf where these steamers landed?—A. No, sir.

Q. How far away?—A. Perhaps a quarter of a mile.

Q. It was farther than the wharf where Mr. Pomroy is?—A. Yes; farther. I could not see the steamers, and he cannot. He cannot see the steamboat wharf from where he is. He cannot see the steamers in his office, and I could not on my beat. He does not know any more about the steamers lying at the wharf receiving passengers than I did when on the beat.

Q. He knows quite as much?—A. Yes.

Q. Could he not see the steamers if they were coming in the harbor before they were at the wharf?—A. Yes, sir.

Q. He knew the hour of the departure of the steamers, and, being not more than sixty feet from them, he could easily visit the wharf and find out how many passengers they were taking on board, could he not?—A. He is more than five hundred feet from it—his office is.

Q. You state that the wharf where he does his business is five hundred feet from the steamboat landing?—A. I said his office; I do not know but more. He is right in front of the building.

Q. How far is the wharf where he does business from the steamboat landing?—A. Where he is is a slip that runs out. The end of the wharf

would probably be a thousand feet, and the upper part of it would not be half as far. I do not know how far, but there is probably two or three hundred feet difference between the lower end of the wharf and the upper end. But I am talking about his office. From his office he cannot see the steamboat landing. He can look down the slip. As the steamer pass the slip he can see them when they go out, the same as you would see a flock of blackbirds passing this widow.

Q. You say that Mr. Purkis is at present employed in the custom-house. Was he ever sent to a potato vessel which was in your charge?—A. Yes, sir.

Q. For what purpose?—A. I do not know what purpose he was sent for. He made a false report about it. I presume he was not sent for that purpose; but that is what he did. The collector did not speak to him about it. I went up and explained the matter to the deputy collector, and the collector did not even mention it. I told the deputy if he did that again I would wring his neck. That settled that matter.

Q. What was the report he made?—A. I was on a potato vessel. The day before was decoration day. They did not discharge potatoes decoration day; it is generally a holiday; people do not work; but the party I was to discharge for said they would like to get out some potatoes, and if I would hurry up, come back from decorating the graves of the soldiers, and let them get out a few barrels of potatoes, I need not come down the next morning until 9 o'clock. I did come back from decoration, went down without my dinner, and staid as long as they desired, and they got out potatoes—I have forgotten how many barrels—as many as they desired. They wanted them for the morning trade. Then they wanted those to stay at the store, and did not want to get out any more until about nine o'clock, and said I need not get down till that time.

Q. I was inquiring what the report was that Mr. Purkis made.—A. He said that I was away from my vessel unnecessarily, neglecting my duty, and I have forgotten what else. He made a long rigmarole, and was quite excited about it, and talked it on the street before he reported to the custom-house.

Q. Was there any correspondence between the Treasury Department and collector Shaw in regard to this matter?—A. Shaw never mentioned it. He was away at the time, and I spoke to the deputy collector about it. Shaw never even mentioned it to me.

Q. Were you ever detailed, during the day-time, to accompany processions, &c., in the streets while you were a policeman?—A. Yes, sir.

Q. While holding the office of coastwise inspector, did you ever take an active part in city politics?—A. No more than as a citizen.

Q. Did you not, with other ex-policemen, meet to devise means to defeat the nomination of a Republican mayor of your city?—A. I will explain that.

Q. Did you, or did you not?—A. We had no Republican mayor of the city—

Q. The nominee of the Republican party.—A. I do not know whether he was or not.

Q. Did you have such a meeting to defeat any nomination?—A. No, sir.

Q. The nominee of any party?—A. I think not.

Q. Do you not know?—A. Politics may have been discussed. I will explain what the meeting was.

Q. I asked you if you had a meeting?—A. I think not, to the best of

my knowledge. I think it was not for that purpose. I will explain what we did have a meeting for.

Q. If you did not have a meeting, there is nothing to explain.—A. I said not a meeting of ex-police-officers to defeat the nomination of Thomas A. Doyle. We held a meeting of ex-police-officers to devise means to have ex-mayor Clarke's portrait painted. We held that meeting. The picture was painted, and was presented. A lamplighter was at that meeting. He came to me the next day, and said he was discharged. I asked him for what. He said that he was discharged for attending that meeting; it was thought there was a caucus to defeat Tom Doyle. Two or three days after, he said he was put back again. Said I, "How came that?" Said he, "I went to Tom Doyle and swore I was not at that meeting, and would never go again, and he put me back again." That is how that was.

Q. You say you took part in political affairs like any other citizen?—A. Yes, sir.

Q. Do you know of any Federal officers who did more?—A. Yes, a hundred times, a thousand times more.

Q. Who did more than take part in the politics of the city as a citizen?—A. You said did more than I did.

Q. No, I said "as a citizen." You say you took part in politics as a citizen?—A. Yes, sir.

Q. Do you know of any Federal officer who took part in politics in any other way than as a citizen?—A. Yes, I do.

Q. As coastwise inspector, at what hour in the morning did you enter on the duties of your office?—A. At all hours. In the summer, when it was warm, I went down very often at five o'clock.

Q. What time did you close your duties?—A. Sometimes at eleven o'clock, and sometimes at four, or five, or three.

Q. Eleven in the morning or evening?—A. Eleven o'clock at night.

Q. What time did you enter on your duties as night patrolman?—A. That was not when I was night patrolman.

Q. I mean while you were night patrolman.—A. Then it was optional. There were no specified hours. We could go down and get on vessels—

Q. You misunderstand me. You say you entered upon your duties as coastwise inspector at all hours, sometimes as early as five in the morning and remained sometimes as late as eleven at night. Now I ask you at what hour you entered upon your duties as night patrolman?—A. I had reference to my duties looking after steamers when I said eleven o'clock at night—moonlight excursions.

Q. What time did you enter upon your duties as night patrolman?—A. At one o'clock every other night.

Q. And served until when?—A. Entered at one o'clock at night and staid on until eight next morning.

Q. When did you sleep?—A. Then I had sleep from eleven o'clock or from eight, or from six. After roll-call at six or seven I could go to my bed any time I desired. If I desired it I could go to bed at six o'clock and sleep until one, seven hours, which I generally did when I had an opportunity. We were called at one.

Q. Did you spend your entire day on and about the wharves?—A. My duties were to look after the coastwise vessels, but I was not obliged, according to my instructions, to spend more than ten hours.

Q. I ask you if you did actually spend your time during the day on or about the wharves?—A. I spent the time that was necessary.

Q. I beg your pardon ; but did you actually spend your time thus ?—
A. The time necessary.

Q. I ask you if you did ?—A. No, sir ; because I had to make my reports. After I got my information I had to go home and write them out. I had to make up a daily report. I had to go up to the custom-house and write out my report, which would take an hour or an hour and a half.

Q. Was all the rest of the time employed there ?—A. No, sir ; I went to get my dinner.

Q. Were the Fox Point steamers in your charge ?—A. Sometimes every other month.

Q. When they were in your charge did you witness their arrival and departure regularly ?—A. Not every arrival and departure.

Q. But occasionally ?—A. I went there every morning and twice a day generally, and I went down at night.

Q. Did you arrive there before the boats arrived in the morning ?—
A. No, sir ; it was not thought my duty to do it.

Q. Were they passenger steamers ?—A. Not excursion steamers.

Q. They were passenger steamers ?—A. Yes, sir.

Q. If you were not there, of course you could not learn how many passengers they had on board ?—A. I did not know every day. I knew only when I was down there.

Q. Who preceded General Shaw as collector of the port of Providence ?—A. Charles B. Anthony, I believe his name is.

Q. What relation was he to Senator Anthony ?—A. A cousin, I believe.

Q. Was he removed to make way for the appointment of General Shaw ?—A. I believe his term of service had expired. I am not sure, but think I have heard Shaw say so.

Q. Then, a cousin of Senator Anthony was practically removed from office to make way for General Shaw ?—A. No, sir ; his time had expired ; he had held it eight or twelve years.

Q. General Shaw has been in eight years ?—A. I think Mr. Anthony had it eight years. I am not quite sure.

Q. He had been in office eight years, and Shaw, who succeeded him, held the office for a little upwards of eight years ?—A. Yes, sir ; I think so. I think Anthony was in two terms.

Q. Each held two terms ?—A. I think so.

Q. Do you remember who held the office before Anthony ?—A. I think that was before my time. I left Rhode Island in 1851 and did not get back here till 1866 to remain at home.

Q. There have been, then, only two Republican collectors in the port of Providence prior to Mr. Harris's term of office ?—A. Those are all, to my knowledge.

Q. And they have each held the office two terms ?—A. So I understand.

Q. How long did you serve in the custom-house after Shaw went out of office ?—A. He went out on the 1st of February, and I went out on the 9th of March.

Q. Did you circulate the memorial, a copy of which has been presented to the Senate of the United States ?—A. Yes, sir.

Q. When did you commence the circulation of that memorial ?—A. I cannot tell you.

Q. Was it before or after your removal from office ?—A. After.

Q. You discovered that the soldiers were not properly cared for, the

immediately after your retirement from office, did you not?—A. Well, I discovered that they had not ever been properly cared for.

Q. When did you make that discovery?—A. When I saw a ward politician put in a place nineteen years.

Q. But you made no complaint?—A. No, sir.

Q. You took no steps to have the wrongs of the soldiers redressed till you were removed from office yourself?—A. It was reported—

Q. Excuse me. You took no steps to redress the wrongs of the soldier until you lost your office, did you?—A. When I saw—

Q. Be kind enough to answer the question.—A. Yes, I have. I have recommended always the soldiers.

Q. But did you take any steps to redress their wrongs until after you were removed yourself?—A. I did not know any particular wrong.

Q. You did not start this memorial when the President appointed Mr. Harris to succeed General Shaw, did you?—A. It started after.

Q. But not till after you were removed?—A. No, sir.

Q. Between the time of the appointment of Mr. Harris and your own removal you took no steps to redress the wrongs of the soldier on account of General Shaw's not being reappointed? You did not circulate this memorial?—A. Not until after I was removed and the rest.

Q. Who took the memorial to Washington?—A. Dr. Greene.

Q. He is your brother?—A. Yes, sir.

Q. Who paid the expenses of that trip to Washington; how was the money raised?—A. He paid his own expenses, I presume.

Q. Was there not a contribution raised for that purpose?—A. Well, some parties gave money.

By the CHAIRMAN:

Q. I wish to get at some facts that I did not quite exactly understand. Do you say that when the civil-service rules were promulgated by General Grant you gave up your position as patrolman?—A. Yes, sir.

Q. Have you done any other business than the discharge of the duties of coastwise inspector since that time?—A. No, sir.

Q. This service and duty to which Mr. Rollins has referred was all anterior to that?—A. All anterior.

Q. You were asked if you had known of Federal officers interfering in elections otherwise than as citizens, and I understood you to say you had known such cases, but were not allowed to conclude what you wished to say. Just state what that was, or did I misunderstand you?—A. I stated that I knew of others who had taken a more active part than myself.

Q. Did I understand you to say that they had interfered otherwise than as citizens?—A. Not to use any illegal means, only taking an active part and spending their time button-holing and consulting with prominent Democrats and other politicians.

Q. You were asked also whether or not you had carried around the petition to get signatures?—A. Yes, sir.

Q. Did you get the name of the Rev. Augustus Woodbury?—A. Yes, sir.

Q. Did he sign it?—A. Yes, sir.

Q. You were just in the act of saying something about a ward politician for 19 years, when you were asked something about your anxiety to protect soldiers. Just complete that sentence.—A. I was going to state that when a ward politician, who had been in the custom-house 19 years, could go around and say that the soldier business had played out and they had got to go, I concluded it was time to do something. I knew I was

going six weeks nearly before I went. This ward politician knew of it; that is, I got it from good authority that he said "the soldiers have got to go." I asked Mr. E. G. Burrows if the rest of them had gone. Speaking of soldiers, I said to him—I was referring to Mr. Joyce and Major Bucklin—the report was all had to go—I asked Mr. Burrows, "Have they gone?" Said he, "No; it is only a question of time; they have got to go." That was his reply.

Q. He was the ward politician to whom you referred?—A. Yes; he was a prominent politician. It was reported that the soldiers had got to go.

Q. He told you it was a mere question of time?—A. Only a question of time.

Q. Is he still in the custom-house?—A. Yes, sir; reinstated, and a prominent man. A wounded soldier was recommended to be discharged and he retained at the time Purkis was discharged.

By Mr. WHYTE:

Q. You have been asked in regard to the appointment in the custom-house of soldiers who were discharged by reason of wounds or sickness incurred in the line of duty. I wish to ask you whether or not soldiers of that class have not been passed over in the new appointments, and men not of that class appointed in their stead?—A. Yes, sir. General Goff was a wounded soldier. He applied for the position, and his communication was not noticed.

Q. Who else was wounded and applied?—A. Major Pomroy was prominent candidate.

Q. That was in regard to the collectorship?—A. Yes, sir.

Q. As to any of the subordinate officers, were there applicants of the disabled class who were excluded and others preferred over them?—A. I cannot say that wounded soldiers had applied, but citizens have been put in. They can find plenty of one-armed and one-legged men.

Q. I want to know if they have applied?—A. I do not know whether they have applied. Further than General Goff and Mr. Pomroy, I am not sure any have applied.

Q. Then I would ask as to the other section of the law, section 1755 which commends soldiers who have been honorably discharged by the expiration of their terms of enlistment, to those engaged in the various industrial pursuits, whether such soldiers have been preferred over citizens, or whether the citizens have been preferred over such soldiers. I mean to ask whether the spirit of the law which recommends to people in private life to employ discharged soldiers, who were discharged by the expiration of their service, has been carried out by the Federal officials, the agents of the government that passed this law?—A. Not at all. General Brayton has two young men in his office who were children playing with my children when I came home from the war.

Q. Have persons applied to him who were soldiers?—A. They have told me they did; I do not know; it is only rumor. I guess there are more civilians in the custom-house; I know the pay-roll of the custom-house amounts to \$21,000. Soldiers get some \$6,000 out of the \$21,000; civilians get over \$14,000. My belief is that if this memorial had been presented, the rest of the soldiers in the custom-house would have gone. That is my candid belief.

By Mr. ROLLINS:

Q. Has any wounded soldier been discharged from the custom-house by Mr. Harris?—A. Not to my knowledge.

Q. Who was your successor?—A. Major Pomroy.

Q. Was he not a soldier?—A. Yes, sir.

Q. A wounded soldier?—A. Yes, sir. I am very glad there is one exception.

Q. You speak of two appointments of parties who were children with your children, and quite young. Are they sons of soldiers?—A. I am not sure whether they are or not.

Q. You do not know?—A. I do not know. They may be; but I am not sure.

Q. I have not a very clear idea of what you mean when you speak of taking a part in politics as a citizen. You said you had done that.—A. Yes, sir.

Q. Then you said you knew of Federal officers, as I understood you, who took part in politics, not as citizens?—A. I mean that a citizen goes and votes and asks others to vote. I mean that a Federal officer is perverting his office.

Q. I want you to be a little more explicit. How have these Federal officers taken part in politics different from other citizens?—A. If he is postmaster, by using his post-office for political purposes, that would be a way that would be different from a citizen.

Q. Used the post-office; the building you mean?—A. The building and the clerks.

Q. Was the custom-house ever used for such purposes?—A. Not to my knowledge.

Q. No political consultations there?—A. They might sit down there and talk politics. I have myself.

Q. Did they do more than that in the post-office? You say they talked politics in the custom-house. Did they do more than that in the post-office?—A. I think they did.

Q. Were you there?—A. No, sir.

Q. Then you do not know?—A. Only from general report and seeing the politicians going out and coming into the post-office.

Q. Would not a private citizen talk politics in his house or his office and have consultations?—A. Very often.

Q. Then what more does the Federal officer do than the private citizen?—A. When they get into the post-office and circulate or put up ballots to be sent out through the mail.

Q. Cannot or does not the private citizen put ballots in the post-office and have them distributed through the mail?—A. Does he use the carriers to mail them?

Q. Certainly.—A. Does he employ them to seal them up?

Q. I am not on the stand; I am asking you questions. Cannot a private citizen put a ballot in an envelope, put a stamp upon it, and have it distributed by carriers through the mails?—A. Certainly.

Q. Can a public official do more?—A. Yes, the postmaster can.

Q. How?—A. He can employ his whole force in putting the ballots in envelopes and neglect to send his mail out. He can do that if he chooses. It is only a question whether it has been done.

AARON W. CLARK sworn and examined.

By the CHAIRMAN:

Question. Where do you live?—Answer. Cumberland Hill, R. I.

Q. How far from Providence?—A. Twelve miles.

Q. Were you a soldier in the Union Army during the late war?—A. I was.

Q. How long ?—A. A little over three years.

Q. Were you wounded ?—A. I was.

Q. Were you ever in the employment of the post-office at Providence ?—A. No, sir ; I was not.

Q. Were you ever mail agent ?—A. I was.

Q. Where ?—A. From Providence to Worcester.

Q. Running on the railroad ?—A. Yes, sir.

Q. When were you discharged from that position ?—A. January 28, 1878.

Q. What means were adopted to effect your discharge ; do you know ?—A. It was simply for carrying out instructions from the Post-Office Department ; it resulted from that.

Q. At whose instance were you discharged ?—A. Postmaster Brayton's.

Q. The postmaster of Providence ?—A. Yes, sir.

Q. Just explain what instructions were there that you were carrying out.—A. We were instructed by the superintendent of the Railway Mail Service to report all irregularities of mail matter, and for this purpose blank slips were furnished us, on which we were to make out a report at the end of every trip and forward to his office. On one of these blank slips I reported a mail missent from Providence post-office in the column of "mails missent." This I forwarded at the end of my trip, which was eventually returned to Postmaster Brayton for an explanation. In explaining this, Postmaster Brayton stated a deliberate falsehood. From that time forward he did not scruple at all to take any steps to bring about my removal.

Q. What was the explanation ? You simply reported a mail missent from the Providence post-office ?—A. Yes, sir ; in carrying out instructions from the superintendent's office.

Q. What means did he resort to ?—A. In one case he conspired with my relief agent, J. O. Spencer, and persuaded him to make up the mails differently from the usual way, that he might report it to the superintendent of Railway Mail Service, at the same time instructing a clerk to note this change and requiring from him a statement to that effect.

Q. Instructing what clerk ?—A. The clerk in the post-office receiving the mail at night.

Q. A clerk in the post-office at Providence ?—A. Yes, sir.

Q. Mr. Brayton you say instructed him to do that ?—A. Requested him to make a statement to that effect.

Q. Was that statement made by the clerk ?—A. It was.

Q. Was it a correct statement ? Just explain it, because I know nothing about the details and I do not suppose the committee do.—A. He requested the agent to make this change simply that he might have an opportunity to report it.

By Mr. WHITE :

Q. As I understand you, he requested your relief agent, Spencer, to alter the mode of making up the mail ?—A. Yes, sir.

By the CHAIRMAN :

Q. Was that for the purpose of entrapping you ?—A. Exactly. That was the way I understood it. It appeared so because nothing particular was gained by it.

Q. Anything else ?—A. Postmaster Brayton wrote the postmasters along the line of the road stating to them that I was the means of certain mails being delayed ; to wit, when the New York mail was delayed

on account of the train not arriving in time, he would write the postmasters that I was the cause of that delay on account of neglect of duty.

Q. Was that true?—A. It was not.

Q. How long were you in the service as route-agent?—A. Ten years and a half.

Q. Had there been any complaint of the discharge of your duty until you made this report?—A. None whatever.

Q. Your service had been satisfactory?—A. It had as far as I know. I have proof of it from the postmasters, which was drawn out by a circular requesting the merits or demerits of the agents.

Q. Were any affidavits, false or otherwise, made in reference to your discharge or in reference to this matter?—A. Yes, sir; the postmaster finally made false charges.

Q. What postmaster?—A. Postmaster Brayton, to the department, with an attempt to sustain them with false affidavits. These affidavits were made out by Postmaster Brayton, covering that which he wished to prove against me, and the affiants were called in to sign them. They were in the main brakemen, newsboys, paper boys, on the road.

Q. They were called in by Mr. Brayton to sign them?—A. Yes, sir.

Q. Did they sign them?—A. They did, several of them stating that they were intimidated, frightened by the postmaster, and did not know what they were signing.

Q. What was the general nature of the charges in those affidavits?—A. One of the charges was that I had removed mail locks from United States mails and placed them on peach barrels and sent them off into the country, delivered them at stations; and the baggage-master on the Providence and Worcester road, George Bray, said that he had seen me place United States mail locks on peach barrels and deliver them. He also stated that he had seen crates of berries in my car.

Q. Were those charges true?—A. They were not; and, in rebuttal, I have in my pocket copies of affidavits made by the expressman, who stated that it was his business to look after this car and see that no matter was carried in this mail room, and that he had made it his duty to look after it. He also made an affidavit stating that he had detected this baggage-master in stealing articles of merchandise from his car.

Q. The man who made the affidavit against you?—A. Yes, sir.

Q. You say you have that affidavit with you?—A. I have a copy of it.

Q. How long was this effort to effect your removal going on?—A. Some four months.

Q. And it resulted in your discharge?—A. Finally, after an investigation of the charges against me, Special Agent Bigelow informed me and others that the charges were groundless. He stated that he did not find sufficient cause for my removal, but, owing to my reporting Postmaster Brayton publicly through the newspapers, he thought it would go against me.

Q. I understand you to say it was part of your duty to make the report by instructions from the superintendent of the Railway Mail Service?—A. It was.

Q. Have you ever seen any irregularities in the post-office at Providence?—A. Very frequently.

Q. State what they were.—A. Oftentimes a greater portion of the letter mail was delayed on account of the clerks being too intoxicated to make it up at the proper time.

Q. In the Providence post-office?—A. Yes, sir.

Q. What else?—A. I have frequently seen Postmaster Brayton intoxicated in the post-office.

Q. In the post-office building?—A. Very frequently. I have been asked out to drink with him.

Q. Did you ever see anything else improper in there? and, if so, state what it was.—A. I have often seen him intoxicated in his private office. On one occasion I had business with him and went to his office to borrow some stamps for the Worcester postmaster and found him unable to transact business. In his company were two fancy dressed and appearing women, both smoking.

Q. Women smoking?—A. Yes, sir.

Q. In the post-office?—A. In the postmaster's private room, one of them with her feet on the desk.

Q. Do you know who the women were?—A. I do not. Postmaster Brayton requested me to drink their health in a glass of brandy. On declining, one of them remarked that I "ought to drink Charlie's health."

Q. To whom did she refer?—A. Postmaster Brayton.

Q. One of these women?—A. Yes, sir.

Q. Did you still decline?—A. I did.

Q. When was that, do you remember?—A. The summer of 1877.

Q. Were any charges ever made against Postmaster Brayton?—A. There were. These irregularities were so frequent during the summer of 1877 that I felt it my duty as a mail agent to report them.

Q. Did you do it?—A. Consequently I preferred charges to the Postmaster-General.

Q. Against him?—A. Against Postmaster Brayton.

Q. Were they investigated?—A. These charges were finally investigated April 2, 1878, by Special Agents Bigelow and Field—Charles Field, of Boston, and W. H. Bigelow, of Augusta, Me.

Q. What became of them?—A. Those charges were fully sustained. Postmaster Brayton obtruded himself and intimidated the witnesses, contrary to the instructions of the department for this particular case.

Q. What was the result of it? Did you ever see the report made by these men?—A. I did not. I have never seen any report; I never heard of any report being made.

Q. You say the charges were sustained. What do you mean by that—by the facts?—A. By the facts, by witnesses swearing to what had been charged.

Q. Did you testify in that investigation?—A. I did.

Q. Do you know what ever came of that investigation?—A. I have never heard anything from it since.

Q. Do you remember who else testified before those agents?—A. Yes, sir.

Q. Name some of them.—A. William A. Richardson testified. William R. Dawley testified.

Q. Were they both reputable men?—A. Yes, sir.

Q. Are they now?—A. They are.

Q. Did they testify under oath?—A. No, sir; these agents did not have the power to send for persons and papers. They claimed that the whole proceeding was a farce.

By Mr. WHYTE:

Q. The agents claimed that?—A. The agents stated to me that they considered it a farce; that they had no power to send for persons and papers. During the session they requested me to meet them at the City Hotel at such an hour.

By the CHAIRMAN :

Q. Who did it?—A. The special agents. I reported at the hotel at the hour required, and they were not there. After waiting two or three hours they rode up in an open hack with Postmaster Brayton, all wearing button-hole bouquets, one of them stating that he had taken them around town to show them the elephant.

Q. One of the agents?—A. Yes, sir.

Q. At the hotel?—A. Yes, sir.

Q. Were they sober?—A. Apparently they were.

Q. What was the result of that interview between yourself and those agents? Did they examine you?—A. It finally ended. The witnesses were intimidated and would not appear, as they got the impression that Postmaster Brayton would bulldoze them; which seemed to be his object. One of the witnesses made an affidavit that Postmaster Brayton came to his hotel, the Perrin House, on Washington street, in an intoxicated condition, at the time when the special agents of the Post-Office Department were there, and obtruded himself into their presence. For making this affidavit Postmaster Brayton remarked he had got him fixed and would soon have him out of there.

Q. Who was that man?—A. William A. Austin.

Q. Who was he?—A. The landlord of the Perrin House. He is probably here and will testify.

Q. Who said he had the man fixed?—A. The postmaster said he had this man fixed for making this affidavit.

Q. Austin made the affidavit?—A. Yes, sir.

Q. Did he succeed in getting him out?—A. I have learned since that he was soon broken up in business and sold out.

By Mr. BECK :

Q. After you had waited an hour or two for these gentlemen that night, and they came, what took place?—A. The investigation was considered ended, as parties who were requested to come in were not under obligations and declined coming.

By the CHAIRMAN :

Q. Nothing was done at the hotel then, I understand you, when you met the agents?—A. Not at that time. That was an adjourned session. We had met previously, and most of the testimony had been put in.

By Mr. BECK :

Q. Had they given you to understand you were to meet them there that night at a given hour for going on with the business?—A. Yes, sir.

Q. And they were two hours late, and then came as described and did nothing?—A. Yes, sir.

Q. What excuse did they give for doing nothing when they did come?—A. Postmaster Brayton had been taking them around town and showing them the elephant.

Q. That ended the business that night?—A. That ended the business and ended the investigation.

Q. Had they given you to understand before that that they would meet you there for the purpose of going on with it?—A. They had, for the purpose of continuing the investigation.

Q. Was there still other work to do and other affidavits to take, or had you further information to give them if they had listened to it?—A. There were other witnesses who would come forward and testify, but they were intimidated by Postmaster Brayton being present.

Q. You said you were a wounded soldier. Were you discharged

honorably or otherwise?—A. I was discharged by reason of the expiration of the term of service; my time was very near out.

By the CHAIRMAN:

Q. Did you ever find a letter in your satchel at any time? and, if so, explain about that.—A. On the evening that Special Agent Bigelow first came to Providence to inquire into the matter, and I had been summoned before him, a letter was dropped in my hand-satchel in the Providence post-office. This letter was addressed to parties in North Attleborough, and postmarked "Pawtucket, R I." Such a letter would not come through my hands in any event.

Q. What was the letter?—A. It would be sent to Providence direct from the Pawtucket post office. I fortunately discovered the letter before I left the office, and handed it to the clerk who had access to my satchel, while my back was turned, and charged him or Postmaster Brayton with placing it there. I had been summoned to appear before Special Agent Bigelow.

Q. What was the object of placing the letter in your satchel?—A. I cannot say, unless it was to set a trap.

Q. To whom was the letter addressed?—A. I have a note of it. It was an ordinary letter addressed to Messrs. Hyde & Peck, North Attleboro', Mass., and postmarked at "Pawtucket, November 23." It was always my impression that Special Agent Bigelow had been informed that I was in the habit of taking letters.

Q. Abstracting letters from the mail?—A. That is my opinion. I could form no other idea.

Q. You do not know how the letter got in your satchel?—A. No, sir: I do not. It was a letter that would not go through my hands under any circumstances. It must have been put in in the Providence post-office.

Q. A private satchel that you carried in your hand?—A. It was, although it was used for registered letters that I carried from the post office to the car; it was one which I took home with me at nights and brought my dinner in it, &c.

Q. Did you call the attention of those people to this thing?—A. I did.

Q. Did you charge them at the time?—A. I charged them at the time.

Q. With an effort to entrap you?—A. I did.

Q. What reply did they make?—A. The clerk denied it—said he did not do it. I had reason to believe that this clerk was not altogether friendly to me; he was one of Postmaster Brayton's appointees.

By Mr. WHYTE:

Q. What was his name?—A. Joseph Case.

By the CHAIRMAN:

Q. I understand you to say, then, that the first intimation you had of any dissatisfaction with your service was after making a certain report as required by the regulations of the Superintendent of the Railway Mail Service?—A. It was. I have letters here from postmasters on the line of the route, called out by a circular asking for the merits or demerits of myself, and I should like to have them read.

Q. The postmasters along the route you traveled?—A. Yes, sir, with one exception, which is from my old captain. They are very short. I will read them with the committee's permission.

POST OFFICE, WORCESTER, MASS.,
Dec. 19, 1877.

A. W. CLARK, Esq.

DEAR SIR: In reply to your letter of December 18th I take great pleasure in saying that during the ten years of my acquaintance with you I have always found you faithful, efficient, and courteous in all that pertains to your duties as a route agent.

Very respectfully,

J. PICKETT,
Postmaster.

POST OFFICE AT UXBRIDGE, MASS.,
Dec. 18, 1877.

To whom it may concern:

GENTLEMEN: I regard Mr. A. W. Clark as one of the most faithful and correct route agents on P. and W. R. R. that I have ever been connected with in post-office business. I should regret to see his place filled by another.

Very respt.,

C. A. TAFT,
P. M. Uxbridge, Mass., the past 16 years.

POST OFFICE, WHITINSVILLE, MASS.,
Dec. 21st, 1877.

A. W. CLARK.

DEAR SIR: Yours of the 18th instant at hand, and in reply would say we can find no fault; have always noticed your *promptness* in notifying us of and correcting all errors, and the *correct* and neat manner your mails are put up.

H. T. HOPKINS,
P. O. Cfk, Whitinsville, Mass.

To whom it may concern:

This certifies that I have been postmaster at Saundersville, Mass., during the whole time that the bearer, A. W. Clark, has been route agent on the Providence and Worcester Railroad. That so far as I know he has always been faithful, courteous, and almost always correct. He has made but very few mistakes in the mail matter for this office during the whole time that he has been route agent on said road.

GILBERT C. TAFT,
P. M. Saundersville, Mass.

DEC. 18, 1877.

POST-OFFICE, NORTH UXBRIDGE,
Worcester County, Mass., Dec. 19, 1877.

To whom it may concern:

This may certify that (having known Mr. A. W. Clark, post-office route agent on the Providence & Worcester R. R. for about ten years), so far as my acquaintance extends I have always found him faithful and correct in business, and always bearing a gentlemanly deportment.

A. S. SWEET, P. M.

BLACKSTONE, Dec. 19th, 1877.

Mr. A. W. CLARK:

DEAR SIR: For the eight or nine years I have had to deal with you in matters of P. O. affairs I have ever found you faithful, courteous, and I may add very correct. To say you never made a mistake would be saying too much for any one; but true it is your mistakes have been very few. You have also been (I think) very faithful to detect and pleasantly correct my mistakes, for which please accept thanks.

Yours truly,

J. BATES, P. M.

FARNUMSVILLE, MASS., Dec. 19th, 1877.

A. W. CLARK, Esq.,
27 High st., Prov., R. I.:

DEAR SIR: In reply to your' of 18th inst. as to the merits and demerits of A. W. Clark, are as follows: Very gentlemanly and very correct in all business connected with my office or in anything as far as I know for the past six (6) years. Previous to that James A. Morse was the postmaster.

Very truly, yours,

C. C. WILLIS, P. M.

P. O., WILKINSONVILLE, MASS., Dec. 18th, 1877.

A. W. CLARK, Esq.:

DEAR SIR: Yours of date is at hand and contents noted. In reply to your inquiries allow me to state that as far as my knowledge extends in regard to the performance of the duties as route agent on the Prov. & War. R. R. for the past ten years, more or less, they have always been courteous, correct, and faithfully performed.

Very respectfully,

W. R. HILL, P. M.

ASHTON, Dec. 19th, 1877.

DEAR SIR: Yours received. In reply would say that during the past four years I have been postmaster in this place, and I have always considered Mr. Clarke very gentlemanly and correct in business transactions.

Yours respectfully,

R. SWEET, P. M.

P. O., WOONSOCKET, R. I., Dec. 19th, 1877.

A. W. CLARK, Esq.:

SIR: In reply to your request of 18th inst. will say that I have kept no record of merits or demerits of route agent A. W. Clark, P. & W. R. R.

Of the few errors that have occurred during the past ten years it will be impossible to assign any particular proportion to the direct responsibility of Mr. Clark, as I have not always made myself acquainted with the dates or periods of his reliefs, and also as the mail for my office over his route is not entirely made up by himself. I will, however, venture the opinion, unbiassed, that the errors for which he is directly responsible are very few.

His deportment toward all connected with this office has invariably been very gentlemanly and courteous; in fact all that could be desired.

Very respectfully, y'rs,

S. H. BROWN, P. M.

POST OFFICE, LONSDALE, PROVIDENCE CO., R. I., Dec. 19th, 1877.

A. W. CLARK, Esq.,
Route Ag't P. & W. R. R.:

DEAR SIR: Yours of the 18th inst. at hand, and in reply will say so far as my business transactions with the several ag'ts on the P. & W. Road for the past ten years is concerned I have no hesitation in saying that I consider you as at the head of all.

Very respectfully,

GEORGE SHERMAN.

POST OFFICE, MILLBURY, MASS., Dec., 1877.

DEAR SIR: In reply to the foregoing note, I have to say that in my opinion A. W. Clark is one of the most faithful, honest, constant, correct, and obliging servants in the postal service.

Yours, respectfully,

R. E. BOWEN, P. M.

POST OFFICE, SLATERSVILLE, R. I., Dec. 18, 1877.

DEAR SIR: In answer to your favor of this date, I take pleasure in stating that the official intercourse between this office and yourself as route agent has been marked by uniform courtesy on your part, and that the duties pertaining to the service in connection with this office have been performed with promptness and efficiency.

Yours, respectfully,

ARTHUR YOUNG,
Postmaster.

To A. W. CLARK, Esq., Providence.

POST OFFICE, CENTRAL FALLS, R. I., December 18th, 1877.

A. W. CLARK, Esq.,
Route Agent P. & W. Railroad:

DEAR SIR: In reply to your note of the 18th inst., will say that I consider you are one of the most efficient route agents in every respects that has been on the Worcester Road for ten years.

Respectfully, yours,

GEO. F. CROWNINGSHIELD.

MILLVILLE POST-OFFICE, MASS., Dec. 20th, 1877.

MR. CLARK:

DEAR SIR: I hope and trust you will not think it strange that I have not before this time answered your letter of inquiry of date of Dec. 18. Sickness in my family is my only excuse. I will say, friend Clark, that during the last ten years I have never in a single instance or during the whole time heard or seen a single cause of complaint against you in the discharge of your duties as route agent on the P. & W. R. R., but, on the contrary, always courteous, kind, and willing to accommodate, and at the same time rendering to the gov't on your part a faithful performance of the duties due the gov't from you as route agent on the P. & W. R. R.

Respect'ly, yours,

LYMAN LEGG,
Postmaster.

NORTHBRIDGE, Dec. 19th, 1877.

To whom it may concern:

This is to certify that I have known Mr. A. W. Clark for six years as route agent on cars P. & W. R. R. In my intercourse with him I have always found him uniformly courteous and obliging. As to capacity in his business, I consider him one of the best I ever knew. As to honesty at large and sincerity of purpose, I think I can almost call him an enthusiast, radical on these points, and wishing all who come in contact with him officially to be up to the *spirit of the laws* in regard to the safe conduct and prompt delivery of matter entrusted to their care. I endorse his course fully, as I know the man.

GEO. R. BROWN, P. M.

Store agent for the Paul Whitin M'fg Co.

Q. These are letters which you say you have received from postmasters along the route that you traveled as route agent?—A. Yes, sir.

Q. Here appears to be a copy of your military record. Do you wish that to go in?—A. Yes, sir; I will read it.

BOSTON, Dec. 17th, 1877.

Aaron W. Clark enlisted June 6th, 1861, Co. F, 2nd Reg't Rhode Island Vol. Infantry, as a private.

Promoted Aug. 21, 1861, for good conduct on field of battle (first Bull Run), to corporal.

Promoted to color-corporal in color-guard of the regiment for efficiency and close attention to his duties, especially his good department.

Promoted to serg't, Dec. 29, 1861.

Promoted to 1st serg't, July 21, 1862, *vice* West, promoted 2nd l't.

Promoted to 2nd l't, Feb'y 22, 1863.

Assigned to Co. E, M'ch 14, 1863.

Lt. Aaron W. Clark was, from date of enlistment to discharge, an A No. 1 soldier and officer, in every respect.

W. B. SEARS,

Capt. Com'd'g Co. F, 2 R. I. Vol.

Q. Is there anything further you desire to state in connection with irregularities in the post-office?—A. Yes, sir.

Q. State it.—A. I should like to state in regard to the means Postmaster Brayton took to bring about this removal. There was a mail made up in New York City, direct for the Pawtucket post-office, and by some means or other, probably well known to the department, this mail was discontinued. The Pawtucket postmaster was informed that it was through my direction this mail was discontinued.

Q. Was that true?—A. It was not true. I had nothing to do with this mail whatever. It did not even pass through my hands; was not even in my care.

Q. Who informed the postmaster at Pawtucket?—A. I was given to understand that Postmaster Brayton so informed this postmaster. It was at the time he was in search of material to use in bringing about my removal. I will state, in regard to the affidavit made by the baggage-master of the Providence and Worcester road, George E. Bray, that his son has recently been given a position in the post-office by Postmaster Brayton. This man is not a politician, and does not live in the city. Probably this was with a view to have him explain before this committee how those grocerymen unlocked those government locks on peach barrels. You will see that the idea was absurd.

Q. The idea of your putting the locks on the peach barrels?—A. Yes, sir.

Q. Why? Because nobody could unlock them?—A. No one could.

Q. And this baggage-master made an affidavit that you had put the locks on the peach barrels?—A. He did.

Q. And his son, you say, has been rewarded by an appointment in the post-office?—A. For this service he has been.

Q. Did I understand you to say that you had affidavits from the expressman?—A. I have an affidavit from the expressman showing that no fruit was ever transported in my room.

Q. Is that affidavit with you?—A. I have a copy of that affidavit with me. That affidavit states that this baggage-master had been detected in opening packages or cases in his car, when it required a key, that he might appropriate the contents to himself. This is Postmaster Brayton's important witness.

Another affidavit was sworn to by a water-boy on the road, who made an affidavit at the investigation by Bigelow, where charges were made against me, that he was summoned to go to the office by Postmaster Brayton and sign an affidavit already prepared. When he stated that he could not sign it, as it was not true, he was told that he was not supposed to know whether it was true or not; all he wanted him to do was to sign it. He made an affidavit to that effect in rebuttal.

Q. Were these charges presented against you regularly by the Post Office Department?—A. They were.

Q. Did Mr. Brayton appear as one of the parties against you?—A. He was the party making the charges. The government instructed

George H. Bigelow, special agent, to investigate the charges with closed doors, and so forth.

Q. Who is the water-boy that made the affidavit?—A. John Riley.

Q. Where is he?—A. On the Providence and Worcester Road.

Q. Yet?—A. Yes, sir. Newsboys were called in to sign these affidavits, they informing me afterwards that they were summoned to appear there and requested to sign those affidavits already prepared. They were frightened and bulldozed, and signed them.

Q. They told you so?—A. Yes, sir; telling me they did not know what they were signing. Those were the steps Postmaster Brayton took to have me removed from service.

Q. Who was appointed in your place?—A. His name was Johnson; I never learned his given name. I only met him once or twice. He introduced himself to me.

Q. Is he still in the service?—A. He is not; he did not accept the position. He resigned after going over the road once or twice. His successor, or the next man who was recommended by Postmaster Brayton, was a civilian, a clerk in the revenue department in Providence.

Q. He had not been a soldier?—A. He had not been a soldier. After running two or three days he resigned, and Postmaster Brayton recommended his stamp clerk, who now runs as agent on the road.

Q. The stamp clerk in the post-office at Providence?—A. Yes, sir.

Q. Is he now on the road?—A. Yes, sir.

Q. Was he a soldier or civilian?—A. A civilian.

Q. Not in the war?—A. Not in the war.

Q. Is there anything further you desire to state?—A. I do not think of anything now.

Q. Have you been a drinking man, a dissipated man?—A. I have not, and Postmaster Brayton informed George H. Bigelow that I was the first damned route-agent that would not go out and drink with him.

By Mr. ROLLINS:

Q. You testified that you had seen ladies in the postmaster's private office?—A. I did.

Q. Excuse me till I get through the question. You testified you had seen ladies in the postmaster's private office in Providence. At what time in the day?—A. This was in the evening after my return from Worcester.

Q. What time in the evening?—A. I judge about half past six or quarter past six, immediately on my arrival from Worcester on this occasion.

Q. What time in the year—summer or winter?—A. It was in the summer of 1877.

Q. What business, if any, were you engaged in while you were route-agent?—A. No business while I was on duty as route-agent.

Q. What business were you engaged in while you were route-agent?—A. No business.

Q. You were employed ten years and a half by the government as route-agent?—A. I was.

Q. During that time did you have any other business?—A. No, sir; no regular business.

Q. Did you have any other business?—A. No, sir.

Q. Were you not engaged in any other business at all?—A. With the exception of occasionally buying a package of fruit or something of the kind for parties in Worcester who would request me to leave the orders; which was done before I went on duty in the morning in Providence.

Q. Then you were engaged in the fruit business to some extent?—A. Yes, sir; but never after the orders came out from the department for bidding it.

Q. Were you ever delayed in the morning at a fruit dealer's place of business so that it was necessary for him to convey you with great speed to the train?—A. I was not.

Q. You were never delayed?—A. Never.

Q. Did you ever leave your registered satchel at this fruit dealer's?—A. I never did.

Q. Did you take strawberries to the market to sell while you were employed as route-agent?—A. No, sir; not directly. It was done in a legitimate way.

Q. I asked you if you did it.—A. I did not otherwise than simply leaving the orders, and they were directed, marked to the parties.

Q. Did you not find a market for them, and sell them, and take pay for them?—A. During my time off duty.

Q. I am speaking of during these ten years, now.—A. Yes, sir: at times I did, when off duty.

Q. Is it within your knowledge that it is a violation of the rules of the department to be engaged in any other business while employed as route-agent?—A. I was not aware of it until a certain time, when I ceased all outside business.

Q. You know that such are the rules of the department?—A. They were, after a certain time.

Q. Among the charges preferred against you was not this one: that you neglected your duty and were engaged in other business?—A. That was one of the charges, but that charge was not sustained at the investigation. An attempt was made to sustain the charge on false affidavits, like the one I mentioned, by Bray.

Q. You say that was one of the charges?—A. That was—that I had indulged in outside business other than the mail business. That was the principal charge against me.

Q. And you say you were engaged in other business?—A. To the extent I have mentioned.

Q. And that was a violation of the rules of the department?—A. It was after a certain time; after the orders came from the department.

Q. Was it not a violation of the rules of the department at the time you did it?—A. It was not, to my knowledge. It was shown at the investigation in Providence that other agents were bringing in fruit, butter, eggs, cheese, &c., into the Providence post-office, selling to the clerks, from the head clerk down, the butter being weighed out on government scales. This was shown at the investigation, by affidavits from the clerks in the post-office.

Q. Were not these charges of neglect of duty preferred against you and investigated, and your discharge recommended by the special agent of the Post-Office Department?—A. Special Agent Bigelow informed me —

Q. Was not that the fact?—A. That my discharge was recommended?

Q. Were not the charges preferred against you for neglect of duty investigated by a special agent of the Post-Office Department, and did he not recommend your removal?—A. I do not think he did.

Q. Did you see the report?—A. I have never seen any report. Special Agent Bigelow informed me and others that he did not find sufficient cause to recommend my removal; but, because I had exposed Postmaster Brayton's irregularities in the newspapers, he thought

would go against me at the department. I have evidence here to offer that he made the statement to others.

Q. In the investigation that took place you made these same statements, or you testified under oath ; you had an opportunity of testifying before the parties making the investigation ?—A. No, sir ; the parties sent here to investigate this did not have the power to administer oaths and send for persons and papers.

Q. Did you not make the statement ?—A. To what effect ?

Q. When this investigation took place, did you not make your statement before the parties making the investigation ?—A. I did.

Q. Did you not present these affidavits that were taken ?—A. I did. Affidavits in rebuttal were presented.

By Mr. BECK :

Q. Was Mr. Bigelow the same agent who, with Mr. Field, of Boston, first made the investigation as to General Brayton ?—A. He was.

Q. Then the same agent was sent back to investigate you ?—A. He was.

Q. If he ever made a report at the time he was investigating General Brayton, you do not know it ?—A. I never heard of any report whatever.

Q. He did take testimony in regard to that ?—A. He did.

Q. Was he professing to be acting under authority from the Post-Office Department, at Washington, and with orders to report to them ?—A. He was.

Q. How long after that was it that he came to investigate you ?—A. The charges against me were investigated previous to the charges made by me to the department. I was obliged to call up the case of Postmaster Brayton several times before they would act on it.

Q. Was Mr. Field, of Boston, with him when you were investigated ?—A. No, sir ; he was not ; Mr. Bigelow came alone.

Q. The next time he came back with another agent ?—A. Yes, sir.

Q. They may have made a report, of course, and you not know it ?—A. They may.

Q. Where is Bigelow now ?—A. His post-office address is Augusta, Me.

Q. Where is Mr. Field's ?—A. Boston, Mass.

Q. You stated that you closed all other business of every sort as soon as you learned that rules were issued making it illegal ?—A. I did.

Q. Since that time you have not carried on any other business ?—A. I have not.

Q. And if it was wrong before that, you did not know it ?—A. I did not. It was a very common thing for agents to do, as was shown before the investigation.

By Mr. WHYTE :

Q. When were you removed ?—A. January 28, 1878.

By the CHAIRMAN :

Q. Did you state that the other route-agents had engaged in this business of selling butter, eggs, &c. ?—A. Yes, sir.

Q. Were they discharged ?—A. They were not.

Q. Are any of those still employed in the service ?—A. They are. No complaint was ever made against them to my knowledge.

Q. You have seen them deliver this produce at the Providence post-office, you say ?—A. I have not seen it, but the clerks testified to that effect at the investigation.

Q. That this produce had been delivered in the Providence post-office ?—A. Yes, sir.

Q. And weighed on the government scales ?—A. I have proof that it was done so by a clerk in the office.

Q. And they were at that time route agents on this same route or on other routes ?—A. In one instance on the same route.

Q. And they have not been discharged ?—A. No, sir.

Q. Do you know whether they are still engaged in that business ?—A. I think they are not.

Q. Had you been notified by General Brayton, or anybody, that it was improper, before the promulgation of the orders of the department ?—A. I had not been.

Q. Did it interfere with your duties as route agent ?—A. It did not.

By Mr. ROLLINS :

Q. I understood you to state that these government officers were directed to make the examination with closed doors. Do you know that to be the fact ?—A. They informed Charles R. Brayton that they were instructed to investigate those charges in secret ; that they were instructed particularly that Postmaster Brayton should not be present.

Q. Then you mean by "secret" that Postmaster Brayton should not be present ?—A. That it should be a secret investigation.

Q. Was the postmaster to be the only person excluded ?—A. So far as I know.

Q. The secrecy consisted in this, that the postmaster was to be excluded ?—A. I think it was ; it was held in a small room.

Q. Did you and Richardson and Dawley engage in trying to get the present postmaster at Providence removed ? Was it not the general understanding that you were thus employed ?—A. No, sir ; this memorial simply asked for an investigation of charges against the postmaster.

Q. Did you not consult with these parties as to the proper mode of securing his removal ?—A. No, sir.

Q. Did you not have any conversation with Mr. Richardson in regard to this matter in the office ?—A. No, sir ; all we desired was that the Department should send proper authority to investigate the charges.

Q. Did you not discuss some plan of getting Mr. Brayton removed ?—A. No, sir.

Q. Never ?—A. Never.

Q. Are you sure about that ?—A. Yes, sir.

Q. Do you recollect distinctly ?—A. I have not any recollection of ever doing it.

Q. Do you swear positively that you did not have this conversation to which I refer, with Dawley and Richardson, or either of them, with regard to the removal of Mr. Brayton ?—A. I do.

Q. Are you as sure about that as you are about anything else you have testified to here to day ?—A. Yes ; it was not a question with us at all. These conversations were to have the charges investigated.

By the CHAIRMAN :

Q. That was the only question ?—A. Yes, sir.

Q. Not the question of his removal ?—A. No, sir ; we took no steps whatever for his removal.

By Mr. ROLLINS :

Q. You deny, then, positively that you had any conversation with

these two gentlemen in regard to the removal of the postmaster of Providence?—A. Yes, sir, I do.

Q. And you are just as positive in this matter as you are in reference to the other matters about which you have testified?—A. Yes, sir.

By the CHAIRMAN:

Q. You speak of a memorial that I have not heard of before. What memorial do you refer to?—A. This was a memorial asking that Congress send a committee to Providence, with power to send for persons and papers, to investigate the charges against Postmaster Brayton.

Q. A memorial signed by whom?—A. Citizens of Providence and Rhode Island.

Q. What became of that memorial?—A. That memorial was finally presented in the House, the result of which was that Special Agent Bigelow and Charles Field were sent to Providence.

Q. When was that?—A. In the winter of 1877 and 1878.

Q. Why did you send it to Congress?—A. The object was to have a committee sent with proper power to investigate the charges.

Q. A committee of Congress or of the Post-Office Department?—A. A Congressional committee, with power to send for persons and papers and administer oaths.

Q. That, I understand you, was not done?—A. No, sir; it was not done.

By Mr. WHYTE:

Q. Was the petition presented to the House?—A. It was.

Q. By whom?—A. By Mr. Lauders, of Connecticut.

Q. And no action taken upon it at all?—A. Other than to send a committee here without power.

Q. A committee afterwards came from the Post-Office Department through this petition?—A. Yes, sir.

Q. It was referred to the Post-Office Department and no action taken by the House at all?—A. So I suppose.

By the CHAIRMAN:

Q. Those agents that were sent, then, Bigelow and Field, were sent at the request of this memorial which went to Congress?—A. They were.

WILLIAM A. AUSTIN sworn and examined.

By the CHAIRMAN:

Question. How long have you lived in Providence?—A. I have lived there, with the exception of five years, from 1849. Five years, from 1853 to 1858, I was not there.

Q. What has been your business?—A. I have been in the hotel business in Providence.

Q. Do you know anything about any irregularities in the management of the post-office at Providence; and if so, just state what you know?—A. I know Mr. Brayton very well; I have often seen him.

Q. Did he ever come to your hotel?—A. He did.

Q. Did he ever come there in company with agents of the Post-Office Department?—A. He came there and met there agents of the Post-Office Department or Treasury Department, I cannot say which. Their names are R. W. Gurley, S. M. Smith, and a man named Bigelow—his initials I do not recollect—a commission, as they informed me, that

came there to ascertain in relation to some retrenchments. They came from Boston there.

Q. Do you remember the time they came there to investigate Mr. Clark, or at any time that Mr. Clark was there?—A. Another committee came there consisting of Bigelow and Field, but not this Bigelow that I have reference to who was on the first commission.

Q. Do you recollect about the Bigelow and Field commission being there?—A. Yes, sir.

Q. Was Brayton there at that time, and what did he do?—A. He came there at that time and passed into their room.

Q. Did anything happen that you know?—A. Nothing that I know of at that time before that committee. Mr. Brayton was there and met the other commission that I speak of.

Q. What took place then; did he make any threats about you?—A. No, sir; he made threats in the committee room of Field and Bigelow, on account of the testimony I had given in as regards his actions at the house at the time the commission, consisting of Gurley, Smith, and Bigelow, were there, that he would break me up in business. He made that assertion in the committee room. I was informed of that fact by two witnesses, and those two parties are here present in the room at the present time.

Q. What did take place when those three were there?—A. That committee came there on Friday, the 23d of November, 1877. On the Sunday following, which was the 25th, Mr. Brayton came there in the early part of the evening in a state of intoxication and was very noisy and used some pretty loud language, and wanted to see the commission. I did not consider that General Brayton was in fit condition at that time to see the commission, because they had been at their room all the evening and had given me instructions if any one called that they did not want to see any one during the Sabbath, that they were engaged with themselves and did not wish to be disturbed. General Brayton insisted on seeing Mr. Bigelow. I took Mr. Brayton and his friends that were with him and insisted on their going into the ladies' parlor, as the gentlemen's parlor was full at that time. They did go in and I closed the door. I went then and made an excuse and called Mr. Bigelow out. I told him that General Brayton was there and wanted to see him, and, said I, "he is in the ladies' parlor." He went in. After a short time General Brayton came out and went into the commissioners' parlor, where Mr. Smith and Mr. Gurley were, and staid a few moments and came out.

Q. You say he was intoxicated on that occasion?—A. Yes, sir; General Brayton was intoxicated at that time, more so than I had ever seen him before. General Brayton also had a bottle of wine with him when I saw him. At the head of the stairs, immediately after his landing at the head of the stairs, I came out and the general had a bottle of wine in his hand; whether or not he brought it there himself or his friends brought it, I cannot say; but when I met him coming out of my own private room at the office he had a bottle of wine, and he wanted to treat the commission. I took him into the ladies' parlor, as I say, and then I sent a servant for some wineglasses, and I suppose they drank it; at any rate the bottle was empty after they went away. I did not go into the parlor at all. Immediately after his leaving the house with his friends, Mr. Bigelow, in my private office, had an interview with me, and said he was very sorry to see the general in that condition, and would write him a personal letter, as it would have a tendency to injure him with the department. The next day the commission left for Hartford. All three of the commissioners were present and in their parlor. I met them, and

they one and all apologized for the conduct of our postmaster in intruding upon a quiet house in the way he did the night previous, and gave me to understand that they did not countenance anything of that kind in any government official, and that they did not hold themselves responsible for the intrusion in the least.

Q. What threat was it he made in reference to that?—A. After that, at the meeting of the committee from the Post-Office Department, consisting of Field and Bigelow, he made this threat, that for my active part (I suppose it was in relation to my evidence being given) he would break me up in business. After my testimony was taken that came to me from two, and the witnesses are here present to verify the statement. I did not hear it myself.

Q. That commission—did you testify before the Field and Bigelow commission?—A. Before the Field and Bigelow commission.

Q. Just about what you have stated to us here?—A. Yes, sir; as near as I can recollect.

Q. On the same subject?—A. Yes, sir.

Q. Did anybody try to get you not to testify before the Field and Bigelow commission?—A. A friend of General Brayton brought me a writing in the shape of an affidavit. I cannot give the language of it at the present time. It had no beginning and had no ending. I made the remark to this friend of General Brayton, although I must say he was a friend of mine at the time (we were all on intimate terms) that being written in the center of sheet, "What do you want to attach this to? Do you want to attach this to anything and put something to it afterwards?" It had no date to it and I could not see any form to it. The substance of it was this: that I had not given any intimation as regards that affair to any person whatever; that is, he named the party, but he got the name wrong; what the person's name meant was, I presume, Mr. Clark, special mail agent. The use they wanted to make of the paper I did not know.

Q. Did you sign it?—A. I did not. I told them I could not. I said, "I have told this, I gave this evidence, and that is the end of it."

Q. Was there any threat made about that time or subsequently?—A. Not from General Brayton that I know of.

Q. Any of his friends?—A. His friend and myself broke friendship on that account. He took my hand and said, "We break friendship forever hereafter if you will not sign that for General Brayton." Said I, "the friendship is broken," and we have not spoken from that day to this, although we had been as intimate as two brothers previous to that time.

Q. Was that threat carried out; did they break you up in business?—A. From the active part the general took, I should judge that they did. I succumbed in a very short time afterwards.

Q. Went out of business?—A. Yes, sir; it was told on the street, he told it on the street—parties came right to me—that he would follow it until he broke me up and drove me out of my house. Whether it was through his own instrumentality the thing was done or not, I cannot say.

Q. But you were broken up in business?—A. Yes, sir.

Q. You had to abandon hotel-keeping?—A. I had; whether it was through the course he pursued I cannot say. I do not charge that upon him; but he made this threat.

Q. Did you see him at the time the Field and Bigelow commission came to your house?—A. I did.

Q. In what way; just explain; did he come with them?—A. No, sir; he came there to meet them. The committee were in session; they

were in parlor 42; he had to pass by the office; he asked me if the commission was in session. They held a session there and adjourned, and he took that same commission and took them to the City Hotel afterwards.

Q. Took them away from your house?—A. Yes, sir.

Q. And they put up at the City Hotel?—A. Yes, sir; and held the rest of their session there.

Q. That was while they were having this investigation?—A. Yes, sir; they adjourned over for a day or two, and the next meeting they had he took them to the City Hotel:

Q. Quitting your house?—A. Yes, sir.

By Mr. BECK:

Q. What was the Gurley, Smith, and Bigelow commission?—A. That was a commission from the Treasury Department, as I understood them, in relation to retrenchments.

By Mr. WHYTE:

Q. With a view to reducing the number of employés?—A. So they informed me.

By Mr. BECK:

Q. And for that purpose they were looking into matters in the post-office at Providence?—A. Yes, sir. I will state further, that the Sabbath morning preceding the evening that General Brayton called there, the commission came out and wanted to know if there had been a package sent up from the post-office for them, and I informed them that there had not been. They said it was very singular; that General Brayton agreed to let them have some stationery there in order that they might be able to write out their report that day. They waited until it was after twelve o'clock, and asked me then if I could not get them some stationery, as it had not arrived. I sent out and did get them some foolscap paper. Along about I should say between four and five o'clock a porter came up there from the Aldrich House or Adams House with a package for them, and they told me afterwards it was a package of stationery from the postmaster, but it was too late; they did not use it, as I had sent out and got some. They thought it very strange the postmaster did not put in an appearance or send stationery at the time he agreed to do in the morning.

By Mr. ROLLINS:

Q. Why did you leave the Perrin House? That was the house you kept?—A. Because I had some attachments put on the house; but I say I understand these attachments were forced on to me through the instrumentality of the postmaster.

Q. Did you owe the postmaster anything? Was either of the suits against you brought by the postmaster?—A. No, sir.

Q. They were simply suits for debt?—A. Suits for debt.

Q. Your property was attached?—A. It was attached.

Q. And you failed?—A. No, I did not fail, because I sold out.

Q. You were forced to sell?—A. Yes, sir; forced to compromise.

Q. You were forced to stop business because you could not meet your obligations?—A. Yes, sir.

Q. Had you not really sold out your business before the Sunday interview to which you allude?—A. No, sir.

Q. Was not the house at that time being run in the name of some other party than yourself?—A. No, sir.

Q. Was it not run in your father's name?—A. Run in his name and my own.

Q. Was it not run in his name at the time of this Sunday meeting to which you have referred?—A. No, sir; I think not.

Q. Are you sure?—A. I will not be positive of that; but I think not.

Q. Are you as sure of this as of the other matters you have stated?—A. I will not say I am sure; but I can appear to-morrow morning and give you a direct answer as regards that, yes or no. I will not say now.

Q. Was there any one in company with Mr. Brayton when he visited your house on that Sunday?—A. There were three gentlemen.

Q. Who were they?—A. Two I knew very well; the other one I did not know; Nathaniel Grant was one, and there was a man by the name of Whitford, a stable-keeper.

Q. Have you testified in regard to this matter before or made affidavit in regard to it?—A. I made affidavit.

Q. And stated all these facts?—A. I suppose I did.

Mr. ROLLINS submitted the following letter from the Post-Office Department, which was received in evidence:

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., April 20th, 1878.

SIR: Special Agents Bigelow and Field, after a careful investigation, have informed this department that the charges preferred against you were not sustained by the facts.

Respectfully,

JAMES H. MARR,
Acting First Assistant Postmaster-General.

C. R. BRAYTON, *Postmaster,*
Providence, R. I.

JAMES WILSON sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. In Pawtucket, R. I.

Q. Do you know Mr. Sewall Read?—A. I do—J. Sewall Read.

Q. The one who is employed in the custom-house at Providence?—A. The same.

Q. Where does he reside?—A. At Pawtucket.

Q. Has he any business in Pawtucket?—A. He holds a position there as commissioner of street lights.

Q. Is there any salary attached to it?—A. There is a small salary.

Q. Does he hold that now?—A. He does.

Q. Is he an active politician?—A. He has been.

Q. Was he ever a soldier?—A. Not to my knowledge; I think not.

Q. A civilian?—A. Yes, sir.

Q. How long has Read been in the custom-house?—A. Several months; less than a year, I think.

Q. Appointed by Mr. Harris, the present collector?—A. I think so.

Q. Whose place did he take in the custom-house, do you know?—A. I cannot tell you.

By Mr. ROLLINS:

Q. You say that Mr. Read is street-light commissioner of Pawtucket?—A. Yes, sir; commissioner of street lights.

Q. Does that office require any considerable portion of his time?—A. I cannot tell you how much time he has to devote to it. The appropriation for that service, street lights, was \$10,000 last year.

Q. He does not light the street lights?—A. No; he does not light the street lights. He has five to seven men under his control as lighters.

Q. Do his duties as commissioner interfere with his duties as an officer at the custom-house?—A. I cannot tell how much of his time is required in the custom-house and how much of his time is required as street-light commissioner.

By Mr. BECK:

Q. How far are the two towns apart?—A. About four miles, or four and a half.

By Mr. ROLLINS:

Q. Does he go to Providence each morning?—A. He does.

Q. And performs his duty as custom-house officer, and returns in the evening?—A. As far as I know.

Q. That is according to your best information?—A. Yes, sir.

By Mr. WHYTE:

Q. What is his salary as street-light commissioner?—A. His salary now is \$150 a year. He has some 450 street lights, and employs five to seven men. He has charge of the lighters.

Q. He sees to their discharge of the work?—A. Yes, sir.

By Mr. BECK:

Q. What are his duties in the custom-house?—A. I think he is a weigher; I am not certain.

CYRUS HARRIS sworn and examined.

By the CHAIRMAN:

Question. Did you receive a subpoena to appear before this committee and bring certain papers?—A. Yes, sir; one of them I gave you the other day.

Q. Have you the others with you?—A. I have some of them that the clerks looked up.

Q. The subpoena by telegraph referred to certain civil-service rules and regulations?—A. Yes, sir; I had them looked over, and all they found I gave you. I set them to digging again, and they dug out these, which I present. (Exhibiting papers.)

Q. Are these the only ones?—A. All they found.

Q. Here is one:

EXECUTIVE MANSION,
Washington, June 22, 1877.

SIR: I desire to call your attention to the following paragraph in a letter addressed by me to the Secretary of the Treasury on the conduct to be observed by officers of the General Government in relation to the elections:

"No officer should be required or permitted to take part in the management of political organizations, caucuses, conventions, or election campaigns. Their right to vote and to express their views on public questions, either orally or through the press, is not denied, provided it does not interfere with the discharge of their official duties. No assessment for political purposes, on officers or subordinates, should be allowed."

This rule is applicable to every department of the civil service. It should be understood by every officer of the General Government that he is expected to conform his conduct to its requirements.

Very respectfully,

R. B. HAYES.

To the _____,

Was this addressed to the collector of customs at Providence?—A. I suppose so. I found it among the papers there. That is all I know about it.

Q Did you also receive the following :

CIRCULAR.

[1879.—Department No. 113.—Appointment division No.—.]

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., July 3, 1879.

To collectors of customs and internal revenue, assistant treasurers, and other principal officers of the Treasury Department :

Hereafter, when submitting nominations for appointment to subordinate positions under your direction, you will state, in addition to the other information now required, the service of the nominee in the Union Army or Navy during the rebellion.

JOHN SHERMAN,
Secretary.

A. Yes, sir.

By Mr. BECK :

Q. Had you ever been required before, in making your recommendation, to state the service of the nominee in the Army and Navy during the rebellion?—A. No, sir.

Q. That is the first information you had on that matter?—A. That was the first. It is dated July 3, 1879, received a few days afterwards.

By the CHAIRMAN :

Q. Here is another one:

TREASURY DEPARTMENT,
Washington, D. C., July 12, 1877.

To the COLLECTOR OF CUSTOMS,
Providence, Rhode Island.

SIR : I transmit herewith copies of executive order dated June 22, 1877, prohibiting officers of every department of the civil service from taking part in the management of political organizations, caucuses, conventions, or election campaigns.

You are requested to invite the attention of each employé under your supervision to the contents of this order.

Very respectfully,

R. C. McCORMICK,
Acting Secretary.

Have you called the attention of the employés under you to this executive order?—A. We have not had any elections since I have been in office.

Q. Have these executive orders been brought to the attention of the employés in pursuance of the directions of the Acting Secretary of the Treasury?—A. No, sir; but they were brought before them in writing and I think they signed their names, each one, and they are on record in the custom-house. I think I saw something of that kind.

Q. You have yourself not called their attention to them since you have been in office?—A. No; I have had no occasion to do so.

Q. Here is an order of the President of the United States :

BY THE PRESIDENT OF THE UNITED STATES.

Executive order.

Whereas it has been brought to the notice of the President of the United States that many persons holding civil office by appointment from him, or otherwise, under the Constitution and laws of the United States, while holding such Federal positions, except offices under the authority of the States and Territories in which they reside, or

of municipal corporations, under the charters and ordinances of such corporations, thereby assuming the duties of the State, Territorial, or municipal office at the same time that they are charged with the duties of the civil office held under Federal authority :

And whereas it is believed that, with few exceptions, the holding of two such offices by the same person is incompatible with a due and faithful discharge of the duties of either office; that it frequently gives rise to great inconvenience, and often results in detriment to the public service; and, moreover, is not in harmony with the genius of the government;

In view of the premises, therefore, the President has deemed it proper thus and hereby to give public notice that, from and after the 4th day of March, A. D. 1873 (except as herein specified), persons holding any Federal civil office by appointment under the Constitution and laws of the United States will be expected, while holding such office, not to accept or hold any office under any State or Territorial government, or under the charter or ordinances of any municipal corporation; and further, that the acceptance or continued holding of any such State, Territorial, or municipal office, whether elective or by appointment, by any person holding civil office as aforesaid, under the Government of the United States, other than judicial offices under the Constitution of the United States, will be deemed a vacation of the Federal office held by such person, and will be taken to be, and will be treated as, a resignation by such Federal officer of his commission or appointment in the service of the United States.

The offices of justices of the peace, of notaries public, and of commissioners to take the acknowledgment of deeds, of bail, or to administer oaths, shall not be deemed within the purview of this order, and are accepted from its operation, and may be held by Federal officers.

The appointment of deputy marshal of the United States may be conferred upon sheriffs or deputy sheriffs. And deputy postmasters, the emoluments of whose office do not exceed six hundred dollars per annum, are also excepted from the operations of this order, and may accept and hold appointments under State, Territorial, or municipal authority, provided the same be found not to interfere with the discharge of their duties as postmaster. Heads of departments and other officers of the government who have the appointment of subordinate officers are required to take notice of the order, and to see to the enforcement of its provisions and terms within the sphere of their respective departments or offices, and as relates to the several persons holding appointments under them respectively.

By order of the President.

HAMILTON FISH,

Secretary of State

WASHINGTON, January 17, 1873.

Q. Have you brought this Executive Order to the attention of your subordinates?—A. No, sir: not specially.

Q. Does it come within your knowledge that any of the employees of the custom-house are holding an office under any municipal, State, or Territorial authority?—A. I do not think there is any such thing; I do not know of any.

Q. I ask the question because of this circular :

DEPARTMENT OF STATE,

Washington, January 21, 1873.

Inquiries having been made from various quarters as to the application of the Executive Order, issued on the 17th January, relating to the holding of State or municipal offices by persons holding civil offices under the Federal Government, the President directs the following reply to be made:

It has been asked whether the order prohibits a Federal officer from holding also the office of an alderman or of a common councilman in a city, or of a town councillor or a town or village, or of appointments under city, town, or village governments. For some it has been suggested that there may be distinction made in cases the officer is with or without salary or compensation. The city or town offices of the description referred to, by whatever names they may be locally known, whether held by election or by appointment, and whether with or without salary or compensation, are of the class which the Executive Order intends not to be held by persons holding Federal offices. It has been asked whether the order prohibits Federal officers from holding positions on boards of education, school committees, public libraries, religious or eleemosynary institutions incorporated, or established, or sustained by State or municipal authority. Positions and service on such boards or committees and professorships in colleges, are not regarded as "offices" within the contemplation of the Executive Order, but as employments or service in which all good citizens may be en-

gaged without incompatibility, and in many cases without necessary interference with any position which they may hold under the Federal Government. Officers of the Federal Government may therefore engage in such service, provided the attention required by such employment does not interfere with the regular and efficient discharge of the duties of their office under the Federal Government. The head of the department under whom the Federal office is held will, in all cases, be the sole judge whether or not the employment does thus interfere.

The question has also been asked with regard to officers of the State militia. Congress having exercised the power conferred by the Constitution to provide for the organizing the militia, which is liable to be called forth to be employed in the service of the United States, and is thus, in some sense, under the control of the general government, and is, moreover, of the greatest value to the public, the Executive Order of 17th January, is not considered as prohibiting Federal officers from being officers of the militia in the States and Territories.

It has been asked whether the order prohibits persons holding office under the Federal Government being members of local or municipal fire departments, also, whether it applies to mechanics employed by the day in the armories, arsenals, and navy-yards, &c., of the United States. Unpaid service in local or municipal fire departments is not regarded as an office within the intent of the Executive Order, and may be performed by Federal officers, provided it does not interfere with the regular and efficient discharge of the duties of the Federal office of which the head of the department under which the office is held will, in each case, be the judge. Employment by the day as mechanics or laborers in the armories, arsenals, navy-yards, &c., does not constitute an office of any kind and those thus employed are not within the contemplation of the Executive Order. Master-workmen and others who hold appointments from the government, or from any department, whether for a fixed time or at the pleasure of the appointing power, are embraced within the operation of this order.

By order of the President.

HAMILTON FISH,
Secretary of State.

A. That was issued some years since.

Q. Have you found any other circular or order on the subject of civil-service rules?—A. Yes, sir, this:

TREASURY DEPARTMENT, *December 29, 1871.*

SIR: The rules in regard to appointments in the civil service of the government, prepared by the commissioners on the civil service and approved by the President, will take effect on Monday next.

On and after that date appointments and promotions in your district will be made in accordance with those rules as far as practicable.

It will be necessary to designate a committee of competent persons to make competitive examinations of candidates for appointment and for promotion, and until an appropriation shall have been made by Congress to defray the expenses, it will be necessary to name as examiners persons who are already in the service of the government and connected with your office.

I have, therefore, to request that you will give me the names of three persons who, in your opinion, are best qualified to perform that duty, and unless objection shall appear, your recommendation will be approved.

You will receive herewith a copy of the rules, adopted by the commission and approved by the President, which, until otherwise directed, will be the guide of your conduct in this business.

Very respectfully,

GEO. S. BOUTWELL, *Secretary,*

COLLECTOR OF CUSTOMS,
Providence, R. I.

RULES AND REGULATIONS FOR THE CIVIL SERVICE.

1st. No person shall be admitted to any position in the civil service within the appointment of the President or the heads of departments who is not a citizen of the United States; who shall not have furnished satisfactory evidence in regard to character, health, and age; and who shall not have passed a satisfactory examination in speaking, reading, and writing the English language.

2d. An advisory board of suitable persons to be employed by the President under the 9th section of the act of March 3, 1871, entitled "An act making appropriations for sundry civil expenses of the government for the fiscal year ending June thirty, eighteen hundred and seventy-two, and for other purposes," shall, so far as practicable, group the positions in each branch of the civil service according to the character of the duties

to be performed, and shall grade each group from lowest to highest for the purpose of promotion within the group. Admission to the civil service shall always be to the lowest grade of any group; and to such positions as cannot be grouped or graded, admission shall be determined as provided for the lowest grade.

3d. A vacancy occurring in the lowest grade of any group of offices shall be filled, after due public notice, from all applicants who shall present themselves, and who shall have furnished the evidence and satisfied the preliminary examination already mentioned, and who shall have passed a public competitive examination to test knowledge, ability, and special qualifications for the performance of the duties of the office. The board conducting such competitive examination shall prepare, under the supervision of the advisory board, a list of the names of the applicants, in the order of their excellence, as proved by such examination, beginning with the highest; and shall then certify to the nominating or appointing power, as the case may be, the names standing at the head of such list, not exceeding three; and from the names thus certified the appointment shall be made.

4th. A vacancy occurring in any grade of a group of offices, above the lowest, shall be filled by a competitive examination of applicants from the other grades of that group, and the list of names from which the appointment is to be made shall be prepared and certified as provided in the preceding rule; but if no such applicants are found competent, the appointment shall be made upon an examination of all applicants, conducted in accordance with the provisions for admission to the lowest grade.

5th. Applicants certified as otherwise qualified for appointment as cashiers of collectors of customs, cashiers of assistant treasurers, cashiers of postmasters, superintendents of money-order divisions in post-offices, and such other custodians of large sums of money as may hereafter be designated by the advisory board, and for whose pecuniary fidelity another officer is responsible, shall, nevertheless, not be appointed, except with the approval of such other officer.

6th. Postmasters whose annual salary is less than two hundred dollars may be appointed upon the written request of applicants, with such evidence of character and fitness as shall be satisfactory to the head of the department.

7th. The appointment of all persons entering the civil service in accordance with these regulations, excepting persons appointed by the President, by and with the advice and consent of the Senate, postmasters, and persons appointed to any position in a foreign country, shall be made for a probationary term of six months, during which the conduct and capacity of such persons shall be tested; and if, at the end of said probationary term, satisfactory proofs of their fitness shall have been furnished by the board of examiners to the head of the department in which they shall have been employed during said term, they shall be reappointed.

8th. The President will designate three persons in each department of the public service to serve as a board of examiners, which, under the supervision of the advisory board, and under regulations to be prescribed by it, and at such times and places as it may determine, shall conduct personally, or by persons approved by the advisory board, all investigations and examinations for admission into said departments, or for promotion therein.

9th. Any person who, after long and faithful service in a department, shall be incapacitated by mental or bodily infirmity for the efficient discharge of the duties of his position may be appointed by the head of the department, at his discretion, to a position of less responsibility in the same department.

10th. Nothing in these rules shall prevent the appointment of aliens to positions in the consular service, which, by reason of small compensation or of other efficient cause, are, in the judgment of the appointing power, necessarily so filled; nor the appointment of such persons within the United States as are indispensable to a proper discharge of the duties of certain positions, but who may not be familiar with the English language or legally capable of naturalization.

11th. No head of a department, nor any subordinate officer of the government, shall as such officer authorize, or permit, or assist in levying, any assessment of money, for political purposes, under the form of voluntary contributions or otherwise, upon any person employed under his control, nor shall any such person pay any money so assessed.

12th. The advisory board shall at any time recommend to the President such changes in these rules as it may consider necessary to secure the greater efficiency of the civil service.

13th. From these rules are excepted the heads of departments, Assistant Secretaries of departments, Assistant Attorneys-General, and First Assistant Postmaster-General, Solicitor-General, Solicitor of the Treasury, Naval Solicitor, Solicitor of Internal Revenue, Examiner of Claims in the State Department, Treasurer of the United States, Register of the Treasury, First and Second Comptrollers of the Treasury, judges of the United States courts, district attorneys, private secretary of the President, ambassadors and other public ministers, Superintendent of Coast Survey, Director of the Mint, governors of Territories, special commissioners, special counsel, visiting and examining

boards, persons appointed to positions without compensation for services, dispatch agents and bearers of dispatches.

By Mr. **WHYTE** :

Q. Mr. E. C. Pomroy is one of your employés, is he not ?—A. Yes, sir.

Q. What is his position in the custom-house ?—A. Inspector.

Q. Foreign or coastwise ?—A. Coastwise inspector.

Q. Have you given him any instructions in regard to the statute which requires the examination of vessels, steamers and so on, going out of the port of Providence ?—A. Yes, sir.

Q. Did you ever call his attention to sections 4496 and 4497 of the Revised Statutes ?—A. I do not know. I do not know what those sections are.

Mr. **WHYTE**. Senator Beck has them in his hand and will read them.

Mr. **BECK** read section 4496, Title 52, as follows :

All collectors, or other chief officers of the customs, and all inspectors within the several districts, shall enforce the provisions of this Title against all steamers arriving and departing."

A. I have called his attention to all that.

Q. (By Mr. **WHYTE**.) Have you pointed out to him those sections and told him it was his duty to examine into this matter and see that the law was not violated ?—A. Yes, sir.

Q. Did you do that when he was first appointed ?—A. Not by sections. We gave him generally what his duties were to be. I cannot say just what was said to him at the time except to give him all the information that we could, and if anything was omitted we have called his attention from time to time to his duties.

Q. Do you know that the law does not allow any officer of the customs to be engaged in any other business ?—A. No, sir; I do not know any such law.

Q. Or any such regulation of the department ?—A. I understand from what Senator Butler read that they can be employed otherwise.

Q. Can be engaged in other business ?—A. I do not know about other business.

Q. I asked you if you knew there was any prohibition against an officer of the customs being engaged in any other business ?—A. There is against certain business. He cannot be an importer and cannot do business on his own account.

Q. Then I would ask if you know whether Mr. E. G. Burrows is doing business on his own account while he is an officer of the customs ?—A. Yes, sir; I understand so. E. G. Burrows & Son, I think the firm is.

Q. They are engaged in what business ?—A. Ready-made clothing.

Q. So that this officer of the customs, E. G. Burrows, is at this time engaged as a dealer in ready-made clothing ?—A. Yes.

Q. Were you engaged in any business at the time you were appointed ?—A. No, sir.

Q. Had you retired from business then ?—A. I had.

Q. Have you been engaged in any other business since you have been appointed ?—A. I have not. I understand a man being an owner in a corporation and not a manager is not considered in business.

Q. A mere stockholder ?—A. He is a mere stockholder.

Q. Do you know of any assessments being made on the officers in your department since you have been there for political purposes ?—A. I do not.

Q. There have been no elections since you have been in office ?—A.

There was an election for governor last April, but I do not think there was any assessment made anywhere; certainly there was none made there and nothing said about it.

Q. You do not know of any collection being made through the custom-house by any person?—A. No, sir.

Q. Do you know of any of your officers taking any part in the election, and anterior to the election, in any caucuses or conventions?—A. I do not know anything about it.

Q. Did you give them instructions that they were not so to take part?—A. No, sir; I did not give them particular instructions about that. I called their attention to the law sometimes.

Q. Did you make it your business to ascertain whether they had violated any of these provisions?—A. I know they were attending to their duties in the custom-house on election day. Some of them went out and were gone a short time to vote. Whether they took any other part at any time I do not know anything about.

Q. Do you know whether they had taken any part in regard to nominations prior to that?—A. I do not.

Q. You were not a soldier in the war?—A. Not in the war you are talking about, I suppose.

Q. I mean the recent war.—A. I was not. I served in a previous war.

Q. In 1812, I suppose?—A. No, sir; 1842; 1812 was before I was born..

By Mr. BECK:

Q. What does Mr. Read do in your office?—A. He is inspector.

Q. Of coastwise trade or foreign?—A. Not coastwise; he is inspector, weigher, and gauger, and so on.

Q. Where does he live?—A. At Pawtucket.

Q. Do you know that he is commissioner of street-lights of the town of Pawtucket, with a salary of \$150 a year?—A. I do not; I do not think he is.

Q. How far is Pawtucket from Providence?—A. Four miles from the center of the city.

Q. And you are not aware of the fact that he holds the position of commissioner of street-lights in the town of Pawtucket?—A. I do not.

Q. If he does, have you ever called his attention to the fact that he could not occupy an office of that sort?—A. I never heard that he occupied any such position.

Q. Do you think he has a right to occupy a position of that sort and still hold a position in the custom-house?—A. I expect you are a better judge of that than I am.

Q. I want to know your own opinion.—A. I do not think he occupies any such position.

Q. I do not know except that Mr. Wilson, of Pawtucket, a few minutes ago testified to the fact that he did with that salary?—A. He did at one time.

Q. Does he not now?—A. I think not.

Q. When did he resign?—A. All I know about it is that when he was first appointed he wanted to know if there was any objection to his closing that up; his time would be out in two or three weeks, and he wanted to just close it up. I told him to close it up, and I suppose he did.

Q. If he did not it was in violation of your order, was it?—A. Yes.

Q. Mr. Burrows is carrying on a clothing store; how does he manage?

to attend to your business and attend to the clothing store too ?—A. He has a son who has charge of the clothing store, I understand.

Q. How much time does he devote to the business of your office ?—A. I cannot say how much of his time. He attends to everything there is for him to do, and attends to it well.

Q. About how much of his time do you think is occupied in your custom-house ?—A. He is not appoluted by me, and is in another building, and I cannot tell so well as if he was in the building. We are short of room there, and he is in another building across the river some distance.

Q. Who appoints him ?—A. He is appointed at Washington.

Q. Does he not report to you ?—A. I do not nominate him. He is not nominated by me, and so far as that is concerned he is not under me.

Q. But does he not report to you ?—A. Certain things he is obliged to.

Q. He is appraiser of foreign merchandise ?—A. Yes, sir.

Q. About how often do ships arrive in Providence with foreign merchandise ?—A. Sometimes we have four or five in a day ; sometimes we do not have one in a week. We have four there unloading now and there are quite a number of others due, some over fifty days from England now.

Q. His duty is confined to the appraisement of foreign merchandise ?—A. Yes, sir ; but most of the merchandise that he has charge of comes over the Boston Railroad.

By Mr. WHYTE :

Q. Is that the bonded merchandise ?—A. The bonded merchandise that comes over the Boston road.

By Mr. BECK :

Q. How many ships come to Providence direct from foreign ports ? How many cargoes otherwise than in bonded cars ?—A. I cannot tell how many we have. We have some coming there almost all the time. There are four there unloading now.

Q. Where from ?—A. Two from Pictou and two from Saint John, I think.

Q. What are their cargoes ?—A. Lumber and coal.

Q. Have you any ships trading direct from Providence to European ports ?—A. Not regular traders. We have a number of cargoes coming from Europe now, but I do not know where the vessels belong.

Q. Are the vessels to land at Providence or are the cargoes to come in bonded cars ?—A. The vessels land at Providence.

Q. What is the character of those cargoes ?—A. Scrap-iron.

Q. That is used in the manufacture of axes and saws ?—A. This is used in the manufacture of horseshoes, principally for export to England again.

Q. What is about the monthly or annual value of the imported goods that come in bonded cars over the different railroads to the custom-house at Providence ?—A. I cannot tell you that ; it varies a great deal.

Q. About how much ?—A. I do not know ; it is reported regularly.

Q. Can you form any estimate of the quantities received in foreign ships direct from foreign ports at Providence ?—A. No ; we have cargoes frequently from the West Indies, and from Europe and different places—salt, molasses, fruits, &c.

Q. Most of your valuable dry-goods and other things, I suppose, come in bonded cars, reaching this country by the regular lines of steamer that run to Boston and New York ?—A. Yes, sir.

Q. The other cargoes are of coarser quality?—A. Liquors come mostly through New York—brandy, gin, and rum.

Q. Mr. Pomroy is in the employ of a firm carrying on a large coal business, is he not?—A. Yes, sir.

Q. Is that consistent with his duty as custom officer, do you think?—A. I think so.

Q. Do you think he is able to attend to all the duties of your office, and also attend to that?—A. He always has so far; he has always been on hand when we wanted him for any special duty. He is always ready. Sometimes we find it necessary to call for the coastwise inspectors and sometimes for a messenger where we are busy. We call upon him when we need him.

Q. In the management of your coastwise trade I understand from Mr. Pomroy that ships that arrive after night are never looked into till next morning?—A. I think they are not. We have no night inspectors.

Q. What means have you of detecting any contraband goods brought in coastwise vessels and landed after dark?—A. I do not know that we have any means. We have no night inspectors; never have had any; we never had a night watchman till I asked for one recently.

Q. And all ships that come to the port of Providence after dark remain without any inspection until next morning?—A. I suppose they do unless we find it out.

Q. Do you consider that safe?—A. I do not know that it is. In other places they have night inspectors.

Q. What is to prevent a coastwise trading vessel from meeting a ship on the high seas and getting bales of silk and landing them at your port after night?—A. I do not know that there is anything. We have no force to detect smuggling on the coast either. All we have now is a small sailboat twenty-five feet long, and we have had that but a little while. We had nothing but a rowboat before.

Q. It would look like a convenient port for smuggling?—A. Yes; they smuggled down below years back, but they got caught in it. I do not think there was much but what they got caught in. We do all we can with the force we have.

Q. Have you observed those civil service regulations in the statute relative to giving preference to men who had been in the Army of the United States?—A. I have.

Q. Did you generally select those?—A. I had a great many applications when I went in there, but only one of them that came under that rule, and I gave him the appointment under section 1754.

Q. How many persons have you employed in the custom-house in all?—A. 16 or 18.

Q. What was your business before you were appointed collector?—A. I was a cotton manufacturer.

Q. Had you been connected in any way with the custom service before that time?—A. Never. Twenty years ago, perhaps, we imported some machinery.

Q. That was the only importation you had made?—A. Yes, sir.

Q. You had not imported anything of late years?—A. No, sir.

Q. And were not in that business at the time of your appointment?—A. No, sir.

Q. State your age.—A. Sixty-six.

By the CHAIRMAN:

Q. Have you a naval officer at this port?—A. No, sir.

Q. A surveyor of customs?—A. No, sir.

Q. Has this section ever been called to your attention :

SEC. 2623. At ports to which a collector only is appointed, the collector shall solely execute all the duties in which the co-operation of the naval officer is requisite at ports where a naval officer is appointed, and he shall also, as far as may be, perform all the duties prescribed for surveyors at ports where surveyors are authorized.

Have you appointed anybody as substitutes for those two officers ?—

A. No, sir ; I have not appointed any one. I have no authority to appoint any one.

Q. Section 2624 provides, "at ports of delivery to which no surveyor is appointed, and at such ports only, the collector may, from time to time when it is necessary, employ a proper person to perform the duties of a surveyor, who shall be entitled to the like compensation with an inspector during the time he is employed."—A. "May" do it "from time to time"; that is, if it is necessary. A great many of the blanks that are sent to me have got "naval officer" on them for his approval, but the direction says that where there is no naval officer the collector is the only one required to sign these papers.

Q. And who discharges the duty of naval officer in the custom-house at Providence ?—A. I do not know that there is any duty for a naval officer there. We used to have one, and had a book in which he kept certain accounts, but they are all kept now in the regular custom-house accounts. There are no separate accounts of a naval officer.

Q. By whom are they kept ?—A. By the clerk there—the deputy.

Q. It seems, according to the statutes, the naval officer has certain specified duties to perform. Section 2626 provides :

At ports to which there are appointed a collector, naval officer, and surveyor, it shall be the duty of the naval officer—

First. To receive copies of all manifests and entries.

Second. To estimate, together with the collector, the duties on all merchandise subject to duty, and no duties shall be received without such estimates.

Third. To keep a separate record of such estimates.

Fourth. To countersign all permits, clearances, certificates, debentures, and other documents to be granted by the collector.

Fifth. To examine the collector's abstracts of duties and other accounts of receipts, bonds, and expenditures, and certify the same if found right.

The next section goes on to give the duties of the surveyor, and among the duties of the surveyor is :

Fourth. To put on board each of such vessels one or more inspectors immediately after their arrival in his port.

Who discharges that duty ?—A. The deputy collector.

Q. As inspector ?—A. The inspectors take turns. Every man knows when it is his place. A vessel comes in and his attention is called ; as soon as the vessel arrives he takes charge of her.

Q. Is the coastwise inspector required to make reports to you as collector ; and, if so, how often ?—A. Every day.

Q. He makes written reports ?—A. Yes, sir.

Q. Section 4492 provides :

Every barge carrying passengers, while in tow of any steamer, shall be subject to the provisions of this Title relating to fire-buckets, axes, life-preservers, and yawls, to such extent as shall be prescribed by the board of supervising inspectors ; and for any violation of this section the penalty shall be two hundred dollars, recoverable one-half for the use of the informer.

Is that report made regularly ?—A. There are no barges in our port except those that bring coal ; there are none bringing passengers.

By Mr. CHANDLER :

Q. I see that the circulars and orders produced by you are dated

1871, 1873, and June, 1877, and July, 1877; were you in office when these papers were issued by the department?—A. No, sir.

Q. Has your attention been specially called to them before to-day?—A. No, sir.

By the CHAIRMAN:

Q. They are on file in your office?—A. Yes, sir.

By Mr. ROLLINS:

Q. Have you any other papers in your possession that you wish to submit to the committee, especially in reference to the removal of any officers from the custom-house?—A. No, sir; I do not know that I have any papers.

Q. Do you desire to make any statement in regard to the removal of any of the men who have been removed since you have held the office of collector, assigning any reasons for the change?—A. I do not know that I want to. If the committee want to know anything from me, or from any witnesses I could summon, I am ready to answer.

Q. I have no desire to press it, but I did not know but that you might wish to make some statement.—A. No.

By Mr. WHYTE:

Q. Were any of these people removed for cause?—A. When I went into the office I was pledged to no person in the world and had no idea what changes would be necessary there. After I had been there a few weeks I was satisfied that to have an efficient and reliable force there I must make some changes, and I made them.

Q. You not only know the provision of the law in regard to persons who were disabled, but that there is a provision recommendatory in its character to persons in business that a preference should be given to soldiers who had been discharged either by expiration of their service or otherwise?—A. I know what section 1754 is. I have looked at it.

Q. Section 1753 is the one I refer to now?—A. That does not apply to custom-house officers, but to merchants.

Q. It is a recommendation upon the part of Congress to merchants to give preference in their employment of men to those who have been in the United States service and have been discharged honorably either by reason of wounds or by the expiration of their service. Now, I ask you, whether in your new appointments you obeyed the spirit of that by giving the preference to soldiers who have been in the service over civilians who had not?—A. I had but one application from a man whom I knew to be a wounded soldier, and I gave him an office.

Q. I have reference now to men who were discharged without being wounded. Did you give them the same preference that Congress asked merchants to give to them?—A. I do not know that I gave them any preference in making any other appointments except the one I have referred to. I aimed to get men suitable for the place, men that were efficient and reliable.

Q. Was there any reason for the removal of men who had been soldiers and whom you found in the custom-house as employes of the government?—A. Yes, sir; there were reasons for it. Those reasons will all be brought out by witnesses whom I will bring on the stand if you would like to have them.

Q. Are you not aware of the facts yourself?—A. For my information I was obliged to depend partly upon others and partly on the records in the office. Those things will all be brought before you if you wish them.

Q. Perhaps it will save us a great deal of trouble if you will state

your own justification of your course.—A. Well, so far as I have anything to say myself, the men that I discharged from there I discharged reluctantly. I did not want to do it; but after careful inquiry I found it my duty to do so from bad habits and neglect of duty. Those two charges I will bring witnesses here to prove.

Q. Which one do you specify as having been guilty of neglect of duty?—A. All of them that I know.

Q. All that were removed were removed on account of neglect of duty?—A. Yes, sir.

Q. Were all of them removed on account of bad habits?—A. No, sir.

Q. Which were removed on that account?—A. I answer all these questions by saying that in discharging these men, I did it in as delicate a way as I possibly could; I gave them every chance, and I have not talked about it and do not want to expose all these things unless they want it done. I understand that Major Bucklin, for one, does not want anything of the kind brought before this committee.

Captain H. A. GREENE. I do. Be kind enough to expose me.

The CHAIRMAN. All we want is facts. We have nothing to do with these people.

Mr. WHYTE. We are here to investigate both sides of the case.

The CHAIRMAN (to the witness). If you have anything to state, be kind enough to state it so as to enable us to make a proper report. I have no preference one way or the other; I want the facts simply.

The WITNESS. Do you not think it would be better, after I have stated the reasons why I discharged them, that I should bring in the proof here rather than state it myself?

The CHAIRMAN. Perhaps we might be satisfied with your statement.

The WITNESS. Perhaps you would be better satisfied to have me bring in proof, because there are letters and documents connected with it in possession of these parties that should all come in together.

Mr. CHANDLER. I hardly think it is quite the thing for us to call out his information as to what a man's habits were before his removal. A man in a public office is sworn to execute the duties of that office to the best of his ability, and he may be compelled to make removals and changes, the reasons for which are satisfactory to himself, and yet that he would not desire to make public, and that the public would not desire to know. I know I found that the case in the Interior Department. I made many changes, the reasons for which were entirely satisfactory to myself, and the result proved that I acted wisely, and yet I should not have liked to come forward and stated precisely the grounds upon which I acted in all cases. I do not think it is quite proper to require it in this instance.

Mr. WHYTE. The only ground is that this charge is that these gentlemen were not preferred, but were excluded as it were. That is not the whole story. They were properly excluded if they did not have the business capacity which was necessary for the discharge of their duty, and if their habits were so bad that they did not discharge their duty, the collector was perfectly justified in removing them; it was his duty to do it.

The WITNESS. I wish to say to the committee that Mr. Sherman approved of what I did in making these appointments.

The CHAIRMAN. If Mr. Harris is satisfied with his statement as made, in view of what has been said, very well.

Mr. WHYTE. It is not necessary for us to go into the same examination into which the collector of the port has gone. If we are going to examine all the witnesses as to charges against the subordinates, it

will take a great while, and it is not really our duty. What we want to ascertain is whether the collector of the port has violated these two sections of the statute.

Mr. ROLLINS. I submit that the second section does not apply to the collector.

Mr. WHYTE. It does in spirit. If a man had every business qualification and did not attend to his duty, it does not make a particle of difference whether the man was a soldier or not; he was perfectly justified in removing him. (To the witness.) Did you personally, by your personal observation, know of the bad habits of these men whom you discharged?

The WITNESS. Not so much. I have seen some of it, but I considered it just as much my duty to know what they had been doing the year before as what they were going to do. I came in a new man and I had appointments to make there, and I wanted to know what these men had been doing before I was there.

Q. (By Mr. WHYTE.) So it was on the testimony of other persons as to their previous conduct that you came to the conclusion their habits were not such as entitled them to consideration in appointments?—A. Partially.

Q. Did you observe any of them intoxicated during the business hours of the custom-house?—A. Well, I do not know where that begins and where it leaves off, when you ask me if a man is intoxicated. Sometimes a man is pretty full, you might not call him drunk; he might transact his business pretty well. I do not want to answer that question now. I will bring in all the proof you want if these parties want it brought in.

Mr. BECK. I do not think these parties have anything to do with it.

The CHAIRMAN. Not a thing; but I am content it shall stand as it is.

Mr. BECK. The collector puts it on the ground that he discharged them because they were unfaithful, which he says positively they all were. That part he speaks of from his own knowledge. And he says some of them were men of bad habits, part of which he knew. That is the excuse, if any excuse is necessary, for not complying either with the letter or spirit of these sections.

The WITNESS. I think I did comply with that important section that you are talking most about.

By Mr. BECK:

Q. If they were incompetent, unfaithful, and not proper men to be there, it made no difference whether they were soldiers or not. You did not want incompetent men about that office, and you had no right to have them?—A. No, sir.

Q. At the same time, it seems to me, after having made the statement that you discharged them as incompetent, it would be fair to the committee and to yourself to state in what regard they were incompetent or unfit.—A. If this committee wish me to have some men summoned here, I will have them summoned, and give you all the particulars to-morrow, and bring the letters and documents referring to this thing.

By Mr. ROLLINS:

Q. Was either of the officers you removed "honorably discharged from the military or naval service, by reason of disability resulting from wounds or sickness incurred in the line of duty," the language of section 1754?—A. Not that I know of. I never heard of any such claim.

By Mr. BECK :

Q. If they had been honorably discharged by reason of sickness or wounds incurred in the line of duty, and they were unfaithful or incompetent, or of bad moral character, would you not have removed them quite as readily as you did those men?—A. Certainly, without any hesitation.

Q. So that section had nothing to do with your discharging them at all. You discharged them because of unfitness for the place they were in?—A. Yes, sir.

Q. That is the ground you put it upon, I understand?—A. Yes, sir.

Q. Now name the men whom you discharged.—A. Major Joyce resigned his place.

Q. Voluntarily?—A. I asked him to resign.

Q. Do you not regard that as a discharge?—A. I regarded it as a discharge in the most delicate way I could do it; because I said to him, "You can give me your resignation, or I will take this other course, make charges." That is what I meant.

Q. Did you not regard that as equivalent to a dismissal?—A. He said he would take time to consider it, and he did; and he preferred to hand in his resignation.

Q. Therefore I understand you to tell the committee that you would have discharged him if he had not resigned?—A. Yes, sir.

Q. Who were the others?—A. James T. P. Bucklin, Henry A. Greene, and David Davis, the boatman.

Q. Whom did you appoint in their places?—A. I appointed as boatman Joseph H. Smith; I appointed in Henry A. Greene's place Edwin C. Pomroy, and in the place of Bucklin I appointed John S. Read, and in the place of Major Joyce, George H. Burroughs.

Q. Mr. Read is the man who lives in Pawtucket?—A. Yes, sir.

Q. And who, if he holds any other place, is holding it against your knowledge?—A. Yes, sir.

Q. Is George H. Burroughs the man who keeps the clothing store?—A. No, sir; his name is spelled entirely different, though pronounced the same way.

Q. What is his age?—A. Twenty-eight years old. He is the one they call the infant.

Q. What was his special fitness for the place?—A. His good habits; he is very quick at figures, a very good young man, a very capable bookkeeper, and a smart young man, quite capable of filling any place. If anything should happen that one of the deputies was sick or away, he could take his place.

Q. The others that you have you found there when you came?—A. Yes, sir. Those are all I removed.

Q. You have not increased your force since you came?—A. There was one vacancy.

Q. With whom did you fill that?—A. With Benjamin C. Allen.

Q. What place was that?—A. Storekeeper and messenger.

By Mr. WHYTE :

Q. You have mentioned Major Joyce as one of the parties removed by you for neglect of duty and bad habits, or the one or the other?—A. Yes, sir.

Q. Was he not recommended to you by a very large body of importers in Providence as a faithful and competent officer?—A. He was.

Q. Look at that (handing a paper to the witness) and see if you recognize the names of some of those gentlemen as the parties who recom-

mended him ?—A. (Examining.) Yes, sir, some of them. I cannot tell whether they are all the names. No doubt they are. This is Major Joyce's handwriting and I have no doubt it is correct.

By the CHAIRMAN :

Q. What is the position in the custom-house of the young man Burroughs, whom you have spoken of ?—A. Inspector, weigher, gauger, and so on.

Q. Does it come within your knowledge that he has ever had to employ another gauger or weigher to discharge his duty for him at any time ?—A. No, sir.

Q. Did he not send to Bristol on one occasion and get the gauger there to come over ?—A. No, sir; you have got it mixed up a little.

Q. I have not; perhaps somebody else has.—A. That was for measuring steamboats and vessels. He did not understand that when he went in, neither did any other man when he went in there, and he sent down and got a man who knew and showed him how to do it, and he can now do it as well as anybody. He is very quick as to those things.

Q. About Mr. Allen; is he any relation of yours ?—A. No, sir; he is not any relation of mine, but he is a connection.

Q. What connection ?—A. He married my wife's sister.

By Mr. BECK :

Q. Whose place did he take ?—A. It was vacant.

By Mr. CHANDLER :

Q. Was Mr. Allen any relation to Senator Anthony ?—A. No, sir. The place of storekeeper was vacant; the man that used to have it is unfortunately in the insane hospital.

By Mr. ROLLINS :

Q. Have you any relatives of Senator Anthony employed as custom-house officers under you ?—A. No, sir.

Q. Has Senator Anthony ever recommended any man for employment in the custom-house since you have been collector ?—A. No, sir.

Q. Has Mr. Aldrich, member of Congress ?—A. No, sir. I appointed these men on my own responsibility, except that one of them was recommended in writing by different parties, but Mr. Aldrich's name was not on it, nor Senator Anthony's.

Q. Has General Burnside ever recommended any ?—A. No, sir; neither General Burnside nor Senator Anthony has recommended any man to me to be either removed or appointed. They have not interfered with it in any way.

Q. Either verbally or in writing ?—A. Neither.

Q. Has either of the Senators of your State, or Representative Aldrich, exercised any influence in the matter of appointments or removals in the custom-house ?—A. No, sir; in no way or shape.

By Mr. BECK :

Q. Did you advise any of the men whom you discharged of the grounds upon which you discharged them ?—A. No, sir.

Q. Were the offenses of which they were guilty, and the neglects of which you complain, such as the former collector would know ?—A. Yes, sir.

Q. Then if he testifies to their competency up to the time that he left, and you have failed to advise them of any charges against them, what chance have they had to defend themselves against your dismissal, if

any?—A. I do not know anything about their chances to defend themselves.

Q. Have they had, have you given them, any chance to disprove the allegations that have been made against them?—A. No, sir; that has not been brought up; it will come here; they have got a chance here.

Q. In the face of the recommendations filed in behalf of Major Joyce and others, and the fact I now inform you of, that numbers of witnesses have testified to the competency and fidelity of those men, you still decline to say more than that you discharged them yourself?—A. Joyce was brought into intimate relations with me, and I knew more about him than men who occasionally saw him.

Q. And you still decline to give any information as to the grounds of your discharge of those men?—A. No. I say that that information is in the form of letters and documents that can be brought here by witnesses who will show all these things up.

Q. But you yourself decline to furnish any of them?—A. I cannot state as well as it can be put in the form that it is already in.

Mr. ROLLINS. The witness does not decline to do it.

Mr. CHANDLER. He proposes to bring all his witnesses and papers.

Mr. BECK. Provided the parties accused want it. The parties accused have nothing to do with this investigation. What I want to get at is this: You either discharged them for good grounds, or without cause, one or the other, did you not?

The WITNESS. Yes, sir.

Q. (By Mr. BECK.) And you know whether you discharged them for good ground or without cause?—A. Grounds satisfactory to myself.

Q. Which grounds you decline to give us?—A. No, I do not decline it.

Q. Then do it.—A. I say I will bring all that here, and one of the witnesses here has courted an investigation.

Q. I do not want any witnesses about it; I want your statement.—A. I am not prepared to-day; I will bring it all here to-morrow.

Q. Very well, then; suppose you come with proof to-morrow to be examined yourself.—A. Yes.

Q. So far as I am concerned I am going to stand on your examination. I do not propose to go into witnesses as to all these other things. You either did it rightfully or wrongfully. If you did it rightfully your papers will show it. If you did it wrongfully you will stand responsible for it.—A. If I considered a man incompetent, and I was there, and the neglected his duty, I had a right to discharge him.

Q. And you ought to discharge him.—A. That is what I have done.

Q. What we want to get at is to have you show such information as you are willing to give us as to the grounds on which you acted. It would not have been good ground to discharge a man that you wanted to put in another whom you liked better?—A. No, sir; I did not go into personal preferences at all.

By Mr. WHYTE:

Q. What was the objection to Captain Greene?—A. I say I will bring all these things here to-morrow, because they are in writing, most of them. I will have them brought here from the office.

Q. Were those all laid before you before you made the change?—A. I knew about them. I knew what I was doing.

Q. Do you mean to say that you are going to produce to us papers which have come into your possession since Greene's removal?—A. No, sir.

Q. They were all in your possession before?—A. Yes, sir.

Q. From the character of your first response, I thought perhaps you had not seen them at that time; had you?—A. Perhaps I had not seen all the papers, but I knew the circumstances.

Q. What was the charge made against Captain Greene at that time?—A. I say I will bring all these things to-morrow, and I understood Senator Beck to say that would be satisfactory. I will bring the papers here.

Q. That is not altogether the answer to make us. You certainly must know the grounds on which you acted.—A. I said "neglect of duty."

Q. In what particular?—A. I will bring the papers here to-morrow to prove it. I acted upon that information.

By the CHAIRMAN:

Q. Not upon the papers.—A. Not altogether from the papers. Now, I will bring the papers.

By Mr. WHYTE:

Q. Had you those papers in your possession at that time?—A. They were in the custom-house.

Q. Had you examined them at all?—A. No, sir; I had not examined the papers.

Q. Then those papers that you are to produce are papers which you have seen since his removal?—A. They are to prove the grounds I discharged him on.

Q. Just answer my question. Certain papers you now propose to produce to-morrow, had you examined them at the time of the removal of Captain Greene?—A. No, sir; I had not examined all those papers at that time.

By Mr. ROLLINS:

Q. Did you know the contents of the papers?—A. I knew the substance; I knew the charges; but I had not got the proof. I looked it up then.

Q. You are a bonded officer of the government?—A. I give a bond.

Q. For the faithful performance of your duty?—A. Yes, sir.

By Mr. CHANDLER:

Q. And you are responsible for your subordinates?—A. I am.

By Mr. ROLLINS:

Q. You feel yourself entirely responsible for your official acts?—A. I do.

Q. And when you make changes in the department you take that responsibility?—A. I do.

By Mr. BECK:

Q. You are also responsible to tell truthfully the grounds upon which you acted to us as a committee of the Senate of the United States. Do you not feel that?—A. I do not propose to tell you anything but the truth.

Q. We do not claim that you do; but Mr. Rollins asked you if you were responsible for your conduct. You are also responsible as a witness before us.—A. Certainly.

Q. To tell us the ground on which you acted, so that we, too, can judge whether you acted right or wrong.—A. Yes, but—

Q. Can you tell us the ground on which you removed those men?—A. I have stated the grounds; but the particulars being in writing and of different dates and all that, I cannot remember them.

Q. But you tell us now those are papers you never had seen at the time you made the removal.—A. I knew all those facts, but I had not seen the papers in proof.

Q. Tell the facts you knew and upon which you acted.—A. I cannot enumerate them, because there are a good many charges.

Q. Name them as far as you can.—A. If you want to bring all these things out—

Q. I want you to tell the cause of the removal.—A. I stated that I removed some for neglect of duty, and some for neglect of duty and bad habits.

Q. Now tell the neglect of duty first as to any one; Captain Greene, if you like; take him first.—A. I will sit down if you want to try me over again.

Q. What have we said and done to make you believe we were trying you?—A. You were sent here to try the custom-house and see if I have done anything contrary to law. That is what I have understood I was here for.

Q. We are examining you as a witness to ascertain facts. Tell the grounds on which you removed Captain Greene for neglect of duty. What neglect of duty was he guilty of that caused his removal?—A. When?

Q. While you were collector of the port.—A. Cannot I go back of that?

Q. First, while you were collector; what neglect of duty was he guilty of?—A. While I was there Captain Greene was not in his office as I thought he ought to be, and did not come there regularly, and I did not see him and did not know where to find him. If I have a man under me, I am liable to call on him at any time; I want to know where to find him.

Q. Was his duty inside of your office, or was it on the wharf?—A. It was on the wharf, but his duty was to report there every day, and to make out his written report every day there.

Q. In what regard did he fail to do that?—A. He made out his report every day.

Q. Were his reports made out to you daily, to the custom-house?—A. I think they were.

Q. His duty was to be on the wharf, and not at the custom-house; was it not?—A. Most of the time.

Q. And his duty was to make daily reports?—A. Yes.

Q. Did you say he did not make his reports regularly?—A. I did not say so; I said he did.

Q. Then, in what regard did he fail to do his duty?—A. This is while I was there you are confining me to now?

Q. Yes; that you know about yourself.—A. While I was there he was not at the office as I thought he ought to be, and I did not know where to find him when I wanted him.

Q. Outside of making his daily reports, would he not have been violating his duty if he had staid about the custom-house instead of on the wharf to watch vessels that landed?—A. No, sir.

Q. Could he see vessels as they landed if he was at the custom-house?—A. He is not required to be on the wharf all day long looking out for vessels. He goes there every morning and every afternoon, and need not be all the time looking out on the wharf. There were other duties.

Q. Suppose a vessel comes when he is not on the wharf and lands when he is absent, is he not guilty of dereliction of duty?—A. I do not know about that.

Q. Is he not guilty of dereliction of duty if he is absent from the wharf and a vessel lands while he is away?—A. That does not necessarily follow.

Q. Why not?—A. We allow a man to go to his dinner. If a vessel should come while he is at dinner, I do not know that it would be any dereliction of duty on his part.

Q. What other duty had he in the custom-house that would have been a good excuse for his being absent from the wharf while vessels might land?—A. I cannot say about that.

Q. What other duties had he to perform inside the custom-house that required him to be there except to make his reports, which you say he made regularly?—A. He is liable to be called on at any time, if we are short for any other duty that we want him, and we want to know where to find him.

Q. Did you ever go yourself, personally, and find him absent from the place where his duties ordinarily called him, when you wanted him for other purposes?—A. I have been up and down the wharves a good deal and never saw him there.

Q. The wharves he was in charge of?—A. Yes, sir.

Q. Have you gone there to examine whether he was there or not?—A. I have been up and down there for various purposes, not specially for that.

Q. Did you ever see him absent when a coastwise vessel landed, during your service?—A. I would not be apt to be there then.

Q. Did you ever see a vessel land, in his absence, at the wharves of which he was in charge?—A. No; I have not seen them land there.

Q. What is the frontage of the wharves in his charge?—A. From the custom-house to Wilkesbury pier; I should say it was two miles.

Q. Have you been at that pier since you have been collector?—A. Yes, sir; I have been there a good many times.

Q. Have you walked the length of that wharf from the custom house down there?—A. No, sir; I have not.

Q. Then he might have been on some part of that wharf, and you at another part of the wharf, or the two miles, without your seeing him?—A. O, yes; that is true.

Q. What other regular duty, if any, after you went into the custom-house, had Captain Greene except to make his daily reports, which you say he made regularly?—A. He had not any other duties to perform unless I called upon him.

Q. Do you know that he ever got a message from you calling upon him to do other duty when he could properly leave his regular duties and that he refused to obey you?—A. No, I do not think he did, because I never sent one to him. I did not know where to find him if I had wanted him ever so much.

Q. If you never sent for him, how do you know that he was not at his post of duty?—A. His duty was to come to the custom-house every morning.

Q. Now, show me any rule of the custom-house, or will you produce one, that required him to see you in person when he had no information that you wanted to see him.—A. If I was not there he could not see me, but if I was there he would see me.

Q. Did you ever advise him that he was to report to you?—A. I advised them all. They had to report every morning. We keep a record.

Q. Report to you individually?—A. To report to the custom-house.

Q. I understand the reports were at the custom-house every morning?—A. Yes; that is one thing, and reporting in person another thing.

Q. Reporting in person for what purpose?—A. To know if there were any orders, and to know that he was on the ground, attending to his duties.

Q. Did you ever complain to him of his failure to report to you, from the time you took possession of that office until you discharged him?—A. No, sir; I did not complain to any of them. I watched everything, and made up my own mind.

Q. Did you ever say to him that you would regard it a dereliction of duty if he did not report personally to you at the custom-house?—A. No.

Q. Had he any means of knowing from you, verbally or in writing, that you regarded it as part of his duty to see you and to receive orders from you in person?—A. No.

Q. Then how do you know that the man had any reason to believe that you desired to see him in person, if he made his daily reports and his business was at the wharf?—A. I did not consider his business to be at the wharf almost all day.

Q. Now, tell me what other regular duty he had, except to be there and attend to the vessels in the coastwise trade and make his reports. What other duty had he, unless you asked him specially to do something else? Did you ever ask him to do anything else when he refused to do it?—A. No.

Q. Did you ever advise him that you required him to come to you to ascertain whether you might not want him to do something else?—A. No.

Q. Then wherein is the dereliction of duty against Captain Greene during your term of service?—A. During my term of service the other coastwise inspector came in there every night and made out his report, and Mr. Greene did not, and I did not know where he was. He brought it in, I suppose, the next morning.

Q. Do not your custom-house books show his reports there regularly?—A. Yes.

Q. Did you tell him you wanted him to go there at night and make out his report?—A. No.

Q. Could he not make it just as well anywhere else, and have it on file next morning?—A. I suppose he could make it out, but I think the proper place for a man who is an officer of the custom-house is to go there and do his writing; then we know that he is on the ground. If he does not come there, we do not know anything about it.

Q. Do you not know by his next morning's report the moment it is read, when he says, "I boarded such a ship at such an hour; such another, and found at the wharf such and such excursion steamers," that all these facts are true, as stated in that report, that he is doing his duty, and does not the report every morning show that fact?—A. It shows that fact.

Q. Would it be any more apparent if he had come and sat down at your own table and written it out, than if he filed it the next morning?—A. Yes, sir.

Q. In what regard?—A. If we saw him there we would know that night he was there on duty; but if we did not see him until the next day we know afterwards that he has been around, but we like to have a man on hand.

Q. When you see it next morning in writing you know he has been around?—A. It appears so.

Q. From the report?—A. Yes, sir.

Q. If you had any doubt about it, was it not your duty to advise

him that you desired another course to be pursued?—A. Well, I do not know what you would consider about my duty. I did what I considered my duty.

Q. You dismissed him without telling him why?—A. Yes.

Q. You seem to have regarded that as your duty?—A. Yes, sir.

Q. Now tell us any reason that you think is good and sufficient in law, during the time you were in service, why you should dismiss him because of any neglect of duty? I want the neglect of duty.—A. You are confining me to just while I was there, two or three weeks.

Q. During the time you were there?—A. I say in making up my mind about these men I go back—

Q. I am speaking now of your term of service.—A. I say you are confining me to a few days.

Q. I do not know how long it was. When did you dismiss Captain Greene?—A. About the end of February, I think.

Q. You took possession the first day of February?—A. Yes.

Q. Then you had a month?—A. Yes.

Q. Before you went into the service were you about the custom-house yourself?—A. Yes, sir.

Q. Doing what?—A. Doing my duties there as the law required.

Q. Before your appointment, I mean?—A. O, no.

Q. Had you ever been about the custom-house before your appointment?—A. No.

Q. Had you made yourself familiar with the duties of the custom-house before you went in?—A. No, sir.

Q. Then what did you know personally about the conduct of men in the custom-house before you went in?—A. I made it my business after I went in.

Q. I am not talking about that, but what you knew personally before?—A. I made it my business to find out what these men were doing.

Q. Did you know anything personally about the conduct of officers at the custom-house before you took possession of the office? Did you know personally?—A. I do not know that I knew personally, and I did not make up my mind to dismiss any man, and I did not promise an office to any man before I went in.

Q. I am not talking about that now.—A. I give that in connection.

Q. Then this state of facts exists: During the time you were there from the 1st of February until you dismissed Captain Greene, he did not refuse to obey any orders you gave him?—A. No.

Q. He made his regular reports?—A. Yes, sir; he made his reports.

Q. You made no complaint to him?—A. No.

Q. And you dismissed him without telling him why?—A. Yes, sir.

Q. And before you took possession of the custom-house you had never been about there, and you knew nothing of the business personally?—A. No.

Q. I wanted to try that case as far as I was concerned.—A. You have gone as far as you can.

Q. I have gone as far as you know.—A. You have not.

Q. What else do you know against Captain Greene?—A. I know of records in the custom-house which I can have here.

Q. But I am asking about your own personal knowledge?—A. Is not that personal knowledge if I have looked at them?

Q. It is not. Did you see those records written?—A. No; I know they are there.

Q. Do you know when they were put there?—A. I know their dates.

Q. Do you know that the dates are true dates?—A. No.

Q. Do you know anything about them except that you first found certain papers?—A. But where I find papers of that kind on record, I presume they are true.

Q. Would you not presume, if you were going to dismiss a man on the faith of them, that you would give him a chance to tell you whether they were true or not, if you intended to do the decent thing by him?—A. "Decent thing!" I do not consider that I am obliged to tell them.

Q. You did not know the truth of them yourself personally?—A. I have got proof of it in writing.

Q. That is not what I am talking about; personally, I mean?—A. I do not know what you mean. That is the way I have to get at such things. If I wanted any information about men in there before I went there, to find out whether they were suitable men to be continued there, I wanted to know what they had been doing before; and if men who tell me and what is on record cannot be depended on, what can I depend on?

Mr. BECK. I am not going into what men tell you. I only desired to test your own personal knowledge of that one case. I think I have done it.

By Mr. ROLLINS:

Q. Were you satisfied from the records in your office that Captain Greene had been guilty of neglect of duty?—A. Yes, sir.

By Mr. CHANDLER:

Q. You became satisfied that the interests of the service required a change and that somebody else should take the place of Captain Greene?—A. I did.

The committee adjourned until to-morrow at 10 o'clock a. m.

NEWPORT, *Tuesday, August 19, 1879.*

The committee met pursuant to adjournment.

Present, the Chairman, and Messrs. Whyte, Beck, Chandler, and Rollins; also Senators Anthony and Burnside.

JAMES SHAW, Jr., recalled.

By Mr. ROLLINS:

Question. You were collector of the port of Providence for some eight years, were you not?—Answer. I was.

Q. Was Major Joyce an employé of the custom-house?—A. He was.

Q. During what portion of your service?—A. A considerable portion of it. I do not remember exactly the date of his appointment.

Q. Did you consider Major Joyce a faithful and reliable officer?—A. He was a very competent officer. I had occasion sometimes to find fault with him as an officer, never sufficient to warrant me in any proceedings against him.

Q. You did not remove him?—A. I did not remove him.

Q. Did you reprimand him or reprove him?—A. I once suspended him from duty.

Q. For neglect of duty?—A. For something in relation to his duty; I do not remember the exact matter at the time.

Q. Was he relieved from duty at the Boston depot; and, if so, for what

reason?—A. The details were made regularly one week after another for each of the inspectors. My impression is that I put an officer on there who was in feeble health, and gave him that as light duty; continued him in duty in that way. That is my recollection of it now.

Q. I asked you whether Joyce was relieved from duty at the Boston depot. Was he?—A. All inspectors were relieved, except one, from duty at the Boston depot, as I remember it.

Q. Was he relieved, I asked you?—A. With the others, yes, sir.

Q. For what reason was he relieved?—A. My impression is, as I say, that I put one officer on there continuously, instead of rotating them as I had before, because of the officer's being out of health. I put him there as lighter duty.

Q. Was any complaint made to you verbally or in writing by the agents or officers of the company of his neglect of duty?—A. Yes, sir. I would say further that I called his attention to it, and notified him that a thing of that kind must not occur again.

Q. Did you receive that letter [handing a paper to witness] from Mr. Chace?—A. [Examining.] Yes, sir, I did. I called Major Joyce's attention to that at once, and told him a thing of that kind must not again occur. I did not relieve him from duty on that, but reprimanded him and told him a thing of that kind must not occur again.

Mr. ROLLINS. I wish to put this letter in evidence.

The WITNESS. Major Joyce was the man referred to in the letter as I remember it. I would ask if you have my reply to that letter to Chace?

Mr. ROLLINS. Yes, sir. [Handing a paper.]

The WITNESS. This is the letter to me.

BOSTON & PROVIDENCE RAILROAD CORPORATION.

H. A. CHACE, SUPT. TRANSPORTATION.

Providence Office, May 24, 1873.

Mr. SHAW, Collector, &c. :

DEAR SIR: Please allow me to call your attention to an annoyance which it seems to us ought to be avoided. This p. m. we have a car in our possession locked by custom-officer at Boston, with goods in same in bond and also not in bond; up to 5 p. m. a man from your office has put in an appearance to unlock and attend to receiving bonded goods or allow us to get at the other contents of car. This occurs once in about as long a time. We will say Mess. Reynolds & Purkis, with one more whose name we know not, do not give us trouble but are very prompt. We leave the matter in your hands hoping a remedy will at once be applied.

Yours, &c.,

H. A. CHACE.

Now, with your permission, I will read my answer to that.

CUSTOM-HOUSE, PROVIDENCE.

Collector's Office, May 26, 1873.

H. A. CHACE, Esq.,

Superintendent of Transportation Boston & Providence Railroad Company:

DEAR SIR: I have the honor to acknowledge the receipt this a. m. of yours of the 25th instant, and to thank you for your report of this neglect of duty on the part of Mr. Joyce, the inspector on duty this week. Maj. Joyce has made a plausible excuse for his past neglect and has promised strict attention in future.

No excuse whatever except sudden sickness will hereafter be received, and any officer on duty who fails to be present on the arrival of a train will be suspended.

I will esteem it a favor if you will promptly notify me of any such neglect in future.

I am, sir, very resp'y,

JAS. SHAW, Jr.
Collector

Q. Was he relieved from acting as gauger of molasses ; and if so, for what reason ?—A. There was a complaint of delay in gauging, and I placed it in the hands of two other inspectors to gauge together, so that the two could gauge together. Will you allow me to say in this connection that we were forbidden by the regulations to employ a person who is employed by the city or State. We consequently could not employ a professional gauger. The amount of duty to be done by a gauger in our port is very limited, and no person, however correct theoretically, can possibly be a competent gauger with the amount of experience he would obtain alone in that office. Originally, before the changes in the regulations, the inspectors were in the habit of employing the city gauger, overseeing it themselves, and charging it as an expense, and that was undoubtedly the practical and best way to get at it, but we were prohibited from allowing anything of that kind afterwards, and were obliged to do the best we could. No man, no matter how able and competent he is, can gauge without experience. It is a matter of judgment in the form of the cask and the amount of pressure that has been on the cask in the cargo and all that kind of thing that alone makes a man competent.

Q. What were Major Joyce's habits in the matter of attendance at the custom-house when not serving at a vessel or at the cars ?—A. He was there whenever he was directed to be.

Q. Was he not away several days consecutively sometimes ?—A. He may have been. I issued various orders at different times with a view of carrying on the business more efficiently.

Q. Did you not have to send for him to his house ?—A. A sudden arrival of any vessel which required more force than I had ordered to be on duty there would occasion me to send for any one that was absent.

Q. Did you regard him as a man who promptly and punctually attended to the duties of his office ?—A. I think it is sufficient for me to say that if he had been so neglectful of his duties, and with evidence enough for me to prove it, I should not have hesitated in suspending him.

Q. That is hardly a fair answer to my question.—A. I have had occasion to find fault with him at times. He had been there a good many years, and both he and I would have to be more than perfect to get along without fault that length of time, and so of almost any one.

Q. You say you suspended him at one time. Did you suspend him for fifteen days ?—A. I did.

Q. Without pay ?—A. Yes, sir ; without pay.

Q. Was that for neglect of duty ?—A. My impression is, it was some trouble he had on board a vessel—disobedience of orders, or something of that kind.

Q. I think you testified on your examination before, that you once asked him for his resignation ; did you not ?—A. I do not think I did.

Q. I will ask you now, did you once ask Major Joyce for his resignation ?—A. No, sir ; I told him he could either obey orders or tender his resignation, whichever he pleased. He obeyed orders.

Q. Did you at any time deem it necessary to warn him, either verbally or in writing, in relation to the use of intoxicating liquors ?—A. I do not remember that I did. I was there eight years, and I will not pretend to remember everything that occurred. If you have any letters of mine which would call it to my mind, I could tell.

Q. (Handing a paper.) Is that a copy of a letter written by you ?—A. This is Mr. Ashley's copy, and is undoubtedly correct.

Q. Read it.—A. I will.

[Personal.]

CUSTOM-HOUSE, PROVIDENCE, COLLECTOR'S OFFICE,
Dec. 30th, 1875.

DEAR MAJOR: Frequently of late rumors have come to my ears that you have again commenced the use of intoxicating liquors, and that you have been on many occasions grossly intoxicated.

These reports have not been in such form, nor have they been sustained by such proof, as to warrant official action, and I do not care now to enter into any discussion as to whether they are correct or not. My object in writing this note is to warn you as a friend against using liquors in any form, or on any occasion, for while it is dangerous for any one to do so, it is suicidal for one who has in the past used them to excess.

When you were appointed to your present position you were a member of the "Temple of Honor," and a strictly temperate man. Willing to do anything that lay in my power to help those who were trying to reform, and following out another principle that has always guided my action, viz, to do everything I could to help those that had done honorable service during the war, I gave you the appointment, but I desire that you, and all others in the office under my control shall distinctly understand that my first duty as coll. of customs is to see that the duties of the office are properly performed, and that reproach is not cast on the office by the habits or conduct of any of its officers.

If the warning is needed be very careful that you heed it; for so soon as any such report reaches me, with sufficient proof to sustain it, it will ensure a peremptory dismissal, however much it might pain me personally to thus punish a former comrade. As I said in the beginning, I write this as a warning, if the warning is needed, and not for reply. On you will rest the responsibility.

Very truly, your friend,

JAMES SHAW, JR.

Maj. W. H. JOYCE.

That is my letter, and that states the whole thing.

Q. Was Capt. Greene a subordinate officer of the customs under you?—

A. Yes, sir; he was coastwise inspector.

Q. Did you consider Capt. Greene a faithful and reliable officer?—A. I should say yes, sir. I do not mean to say that I have never had occasion to find fault. As I remarked before, they had been there nearly eight years, and both they and I must be a good deal more than human without having any fault found. I doubt if any one can stay there that time, and not have fault found.

Q. Did Captain Greene properly attend to his duties when assigned to a vessel loaded with potatoes from the British Provinces?—A. I do not know anything to the contrary.

Q. Did you not have to send another inspector to take his place?—A. It strikes me a question came up; it was outside of his usual duties, and whether there was a misunderstanding about his going on the duty or something of that kind, I do not know. It was not a matter that I had to reprimand him for, as I remember it. I was crowded with work and obliged to put him on duties that did not belong to him. As coastwise inspector he would not be on board a foreign vessel.

Q. [Handing a paper to witness.] Is that your letter?—A. [Examining.] This is it.

Q. Please read it. A. It reads—

CUSTOM-HOUSE, PROVIDENCE, COLLECTOR'S OFFICE,
May 31st, 1875.

SIR: I am informed that you were not present at the vessel, of which you have charge, this morning until eight or eight and a half o'clock.

Your attention is called to the fact that the regulations require an inspector in charge of a vessel to be present when required from sunrise to sunset.

You will see that the vessel is securely fastened when you leave for the night, and will not fail to be present at any time after sunrise that the owner may wish to commence work.

Mr. Purkis, in his visit to the vessel, was acting under orders from this office.

Respectfully,

JAMES SHAW, JR., Collector

Capt. HENRY A. GREENE,
Inspector, Present.

Q. Why did you send Purkis to the vessel?—A. I presume I had some report that the vessel wanted to discharge, and Greene was not there. My recollection of it is that he made a satisfactory excuse when I came to see him afterwards.

Q. Did you not learn from some other officer of the custom-house that Captain Greene was not present the day before in the morning?—A. The day before was Decoration day; a holiday in Rhode Island.

Q. I allude to the last day when the vessel was discharging her cargo, not to the holiday?—A. I do not recollect.

Q. How came you to send Mr. Purkis down in the morning, if you had not information that Captain Greene was absent from his duty?—A. If I sent him there in the morning I must have had some information; it may have been a report of the owner that there was nobody there to attend to the vessel, or some officer who went by there may have stated so. There were all sorts of things coming up which I cannot pretend to remember.

Q. Was it necessary for Captain Greene to be on board the steamers to count the passengers, to ascertain whether the law was being violated or not?—A. I made it the duty of the inspector who was on that side of the river to see to the execution of that law, to count them on board or off, whenever a boat had the appearance of being overcrowded. Generally you can tell whether a vessel is anywhere near loaded or not.

Q. It was his duty then to go on board the steamers going down the river to Rocky Point. Was it necessary for him to go on board with the passengers?—A. He might have desired to count them off the vessel; I do not know.

Q. Was not Captain Greene in the habit of going down on those excursions on board the steamers without paying the rates of fare?—A. I do not know whether he paid or not. I told the agent of the boat that no officer of mine, unless especially detailed for that purpose, had a right to any free passage on a steamboat. I distinctly declined to receive any free passage myself or to allow it to be given to any other officer.

Q. Why did you make this statement to the captain of the steamer? Had any information come to you that the officers had been going to this point on the steamers?—A. I think I had seen both Mr. Arnold and Mr. Greene on board the boat, and I fancied they walked aboard without paying attention to the ticket-master, and I did not mean that any officer of mine should act in that way. I was on board the boat myself, and that was the reason of the remark.

Q. Was a steamer of the American Steamboat Company fined by you for violation of law?—A. I think so, on several occasions.

Q. Who reported to you the fact of a violation of law?—A. I do not know. I will say this of the American Steamboat Company, that I do not think they ever intentionally violated any one of the steamboat laws. There are a great many technicalities in those laws, and it is almost impossible to keep exactly up to the mark; and there has been no occasion when, although my duty required me to fine them and to collect the penalty, but what I immediately turned around and recommended the Secretary of the Treasury, who alone had power to remit, to remit the fines. They were all remitted, except out of a fine of probably five hundred dollars the Secretary remitted all but five dollars.

Q. You do not recall the name of the officer reporting the violation?—A. In that case Mr. Arnold reported it. He was on duty on that side of the river at that time.

Q. Was the steamer Alliance ever fined? And, if so, for what, and

whose duty was it to report that violation of law?—A. That is the case I speak of.

Q. And that was reported by Arnold?—A. Reported by Mr. Arnold, who was on duty on that side of the river.

Q. Was it his duty to report?—A. Yes, sir. I alternated them. I had two coastwise inspectors; one I put on the east side, the other on the west side of the river. One was on one week or one month, and the other the next. I changed them so that they need not be on the same route all the time.

Q. How long was that steamer wanting the proper papers, do you remember?—A. She wanted no papers whatever.

Q. It was not for want of papers?—A. No, sir.

Q. License?—A. No, sir.

Q. What was she fined for?—A. For carrying too many passengers. She is a very powerful steam-tug, made for towing vessels, attending to wrecks, &c. She is big enough to carry anything that can be piled on to her, but her deck room is limited and the number of passengers she was allowed to carry was limited.

Q. She was simply fined for violation of her license?—A. No, sir; for violation of the steamboat-inspection law, so called.

Q. Her license authorized her to convey a certain number of passengers?—A. A license is technically a paper belonging to a vessel that allows her to navigate the waters; which is granted once a year.

Q. She had some paper stating how many passengers she was allowed to carry?—A. That is the certificate of the inspectors of steam-boilers.

Q. She had a certificate allowing the transportation of a certain number of passengers, and she conveyed more passengers than she was allowed?—A. There was a great rush aboard, and they got more than they were allowed to carry. It was something the boat could not help at the time.

Q. Did she not run for some time without any license?—A. No, sir; a license is a paper allowing a vessel to navigate the waters.

Q. Without a certificate, then?—A. No, sir; not to my knowledge. She is a tug; she is not an excursion boat, but she may have run an excursion or two without the certificate of the steamboat inspectors.

By Mr. BECK:

Q. Those things do not come from your office?—A. No, sir; from the steamboat inspectors.

By Mr. ROLLINS:

Q. You say she may have run without papers?—A. She may. She violated the law in this instance because of the great rush on board in spite of the efforts of the officers of the boat. My report on that matter can be found on file with the Secretary of the Treasury. The fine was remitted, except five dollars.

Q. Did you take any part in political affairs while you were collector?—A. As a citizen, always.

Q. Did you ever take an employé of your office into your private office and ask him what course he intended to pursue in reference to the then pending Senatorial contest?—A. Yes, sir.

Q. What do you mean by "as a citizen"? When I asked you if you took part in political affairs, you said "as a citizen." What do you mean by that?—A. I mean to say that every officer of mine understood distinctly that it made no difference to his position there what part he took. If I could persuade him as an individual to vote as I wanted

him to, or any other man to vote as I wanted him to, I was at liberty to do that.

Q. What I want to get at is the distinction you mean to draw between taking part in politics as a citizen and taking part as an officer. What other way can a man take part in politics except as a citizen?—A. By holding the power of his office over another that he will be removed, for instance, if he does not do so and so.

Q. Is that the distinction?—A. That is the distinction I make, the compelling of my officers to vote as I wanted them to.

Q. Has it been customary in the custom-house in Providence to compel the subordinates to pursue that course?—A. I said the other day that there never had been a contested election but what some officer in my office had voted differently from what I did.

Q. Are you aware that any collector has ever compelled the subordinates in the custom-house, or undertaken to compel them, to vote or act in accordance with his particular views?—A. I never knew anything whatever about the custom-house until I was placed there.

Mr. BECK. Whatever other letters the present collector has of General Shaw's that he expects to lay before the committee, I wish to have laid before the committee now.

Mr. ROLLINS. There are no others.

By Mr. BECK:

Q. You have been asked about two of the employés that were in your custom-house at the time you were collector—Joyce and Greene. Notwithstanding whatever derelictions or delinquencies they were guilty of or complaints were made, you retained them to the end of your term of service?—A. I did.

Q. Regarding them sufficiently competent men to keep there, and that the interests of the government did not suffer in their hands?—A. I was always perfectly satisfied with the conduct of Mr. Greene, and you have seen how much fault I had to find with Mr. Joyce. I had not sufficient evidence to enable me to act in any different way. Rumors came to me sometimes, but I could not get them substantiated sufficiently to act.

Q. After those rumors reached you, was not your attention called a little more sharply than it would have been to his conduct?—A. Decidedly, and I did the best I could to get evidence.

Q. And with all that attention and your general vigilance, you still did not find sufficient ground to remove Captain Joyce?—A. I did not.

Q. You said that in the course of a number of years there were necessarily mistakes and shortcomings?—A. I think so undoubtedly. I may have made mistakes myself, and misjudged them as well as they misjudged me.

Q. Were there not generally a good many men around your office, as every other, who were watching pretty closely to find fault with your employés, hoping to get their places themselves?—A. Yes, sir; and there was a good deal of jealousy in the office amongst different employés.

Q. And quite a readiness on the part of some to report against others?—A. Exactly.

Q. So that whatever did happen was very apt to be made known?—A. Yes, sir.

Q. The Boston depot case occurred in 1875, I judge, from the letters read.—A. I forget the date.

Q. From that time on you remained at the head of the custom-house, till February, 1879?—A. Yes, sir.

Q. Was there any further complaint made by Mr. Chace in regard to the management there?—A. No, sir.

Q. So that for the last three or four years of your service and of Mr. Joyce's service that road, at least, made no further complaints that you now remember?—A. No, sir. A good part of that time, however, Major Aigan was detailed there for special duty on account of ill-health. He died afterwards.

Q. Another complaint, of which you spoke, was the delay as to gaugers. That you think, unavoidably, grew out of want of practice and not want of intention on the part of your officers?—A. I think Major Joyce is as competent a man as there was in that office.

Q. But want of experience and want of sufficient work prevented any of them from being as able in gauging as more practiced men would have been?—A. It was impossible for them to be competent gaugers without practice and a great deal of practice.

Q. You spoke of an occasional sudden increase of business, requiring you to call men at times when they would not otherwise be expected to be at the office. Could the officer who was on duty on the wharf or elsewhere have any information until he was called that he would be needed or that this extraordinary occasion would arise, or had he to wait until he was ordered?—A. I required one of the inspectors, weighers, gaugers, and measurers—that is the title of the office—to be on duty at the office all the time. If two vessels arrived, it took him and the next one; I was obliged to send a messenger for the other one.

Q. And in the course of years it would sometimes happen the other one would not be at the place where you expected to find him?—A. Certainly.

Q. And vessels might come up without much previous notice even to you?—A. For the purpose of facilitating the work in that direction I changed the boarding office over on to the other side of the river, so that it should be near the channel. It had been situated on the Pawtuxet side, which was something like a mile across the flat. I changed it to Cedar Grove, where the channel runs very near, and that enabled my officers to get on board. I rarely had a vessel pass after that; before that it was a frequent occurrence that a vessel came to the wharf before I had any information of it. I abolished the office at Pawtuxet for that reason. When I was obliged to reduce the force I struck out that, because it was practically useless in that place.

Q. Do you remember the date of the suspension of Major Joyce?—A. I do not remember it; it was several years ago; I should say five or six.

Q. And after that discipline he obeyed your orders and went on?—A. Yes, sir.

Q. You did not suspend him any more, that you remember, from that time on?—A. There was an arbitrary sort of way he had with him that made trouble. That was all.

Q. He set up his views and you had yours, and you being the superior officer required yours to be carried out. Somebody had to be head?—A. I proposed to be head.

Q. The drinking suggested in that letter (and, by the way, an uncommonly good one) that you wrote to him, was in what year?—A. I shall have to refer to the dates. [Examining.] It was December 30, 1873.

Q. More than three years before you finally left the office?—A. Yes, sir.

Q. From that time on, or even before that, I judge from the tone of your letter, had he neglected any of his duties because of drinking the you know of, or was it merely a warning?—A. Rumors had reached

that he was using liquor again. I knew very well that he had formerly been intemperate. He was a member of the Temple of Honor when he came into my office, and I thought it was very dangerous for him to use it at all. It had been reported to me that he had. I could not substantiate that report. I never was able to substantiate it in any way that I could use the evidence.

Q. Up to the time that you left the office?—A. Up to the time I left the office.

Q. As to Captain Greene, you say he performed his duty well all the time?—A. As well as the majority, and better than perhaps the majority of officers. I would say that I never had to find fault with him. I think there was not an officer in the office but what during that time I may have had to find some fault with in some way or other.

Q. And during that time you had occasion to revise your own decisions. I suppose that even you made mistakes?—A. Undoubtedly.

By the CHAIRMAN :

Q. In the course of your administration of the office for eight years, had you not occasion to correct other subordinates than Major Joyce and Captain Greene?—A. O, yes, sir.

Q. Just as frequently or more so than in their cases?—A. There were others that I had to correct more frequently than Captain Greene. I suppose I corrected Joyce perhaps as much as any one. He had rather an overbearing sort of way with him that frequently gave offense, and my instructions were "the utmost courtesy in doing all your business as custom-house officers."

Q. Are there any other letters of yours on file touching the conduct of other subordinates of the custom-house that you recall who are there now?—A. During the time I was there I think I dismissed or required the resignation of four.

Q. Are there any in the custom-house now in reference to whose conduct you had to write a letter that you recall?—A. I do not remember any letters to any that are there now.

Q. Or verbal reprimands to those who are now in the employment of the custom-house?—A. Yes, sir; I think there are quite a number of them there that I occasionally reprimanded.

Q. Did you ever discharge a Mr. Purkis?—A. I did.

Q. Was he restored against your wishes?—A. He was restored without my nomination.

Q. Is he still in the employment of the custom-house?—A. He is.

Q. Is he an ex-soldier or a civilian?—A. A civilian. I gave you the reason of his discharge the other day.

Q. It was in the interest of retrenchment, I think, you stated?—A. I had a peremptory order to reduce my force so much.

By Mr. ROLLINS :

Q. Not for neglect of duty?—A. No, sir.

The CHAIRMAN. Whilst you are on the stand perhaps it would be more regular to identify that correspondence which you left with me, and which you desire to have put in evidence.

(The correspondence was handed to the witness.)

A. (Examining.) I copied these from the original letters, and made what I believe to be a correct copy.

The CHAIRMAN. General Brayton has had access to them, and I have heard of no doubt as to their correctness.

The WITNESS. These papers contain the whole correspondence.

Mr. BRAYTON. I am satisfied it is correct.

The correspondence was received in evidence, as follows:

PROVIDENCE, R. I., April 30, 1877.

To the Editor of the Journal:

DEAR SIR: I forward you herewith copies of correspondence between the Republican State central committee and myself. I do not ask you to publish it, for I do not ask publicity in any way; but I propose in all cases to do what I believe to be right, without regard to the opinions or insults of any man or body of men, and think it may be well to let the Republican party know how they are misrepresented by their committee. I therefore place the whole correspondence in your hands, specifying only that, if you allude to it at all, you will publish the whole, with the names of the members of both the old and new committee attached.

I am, very respectfully, &c.,

JAMES SHAW, Jr.

[Printed heading]

HEADQUARTERS NATIONAL UNION REPUBLICAN STATE CENTRAL COMMITTEE.

COMMITTEE.—William R. Walker, Pawtucket; Nathan T. Verry, Woonsocket; J. M. Wright, Foster; John P. Gregory, Lincoln; Wm. M. Spink, Warwick; Dexter B. Potter, Coventry; Thomas W. Chase, E. Greenwich; Sands C. Carr, Hopkinton; John G. Clarke, S. Kingston; Isaac F. Williams, Bristol; Charles H. Handy, Warren; Allen C. Mathewson, Barrington; Jonathan A. Sisson, Portsmouth; John P. Sanborn, Newport; Harwood E. Reed, Newport. C. R. Brayton, Providence, chairman; N. S. F. Thomas, No. Kingston, secretary.

PROVIDENCE, R. I., Nov. 2, 1876.

Gen. JAMES SHAW, Jr.:

DEAR SIR: The State central committee direct me to request of you a contribution of \$100 to assist in defraying the legitimate expenses of the campaign. A similar request has been made to the heads of other departments of the government.

To be of service it should be forwarded at your earliest convenience.
Respectfully,

C. R. BRAYTON.

Chairman of Republican State Committee and Member of Finance Committee.

CUSTOM HOUSE, PROVIDENCE, R. I., COLLECTOR'S OFFICE.

November 4, 1876.

Gen. CHARLES R. BRAYTON,

SIR: Yours of the 2d instant, containing a modest request for a contribution of \$100 for the expenses of the campaign, and in which you say that a similar request has been made to the heads of other departments of the government, was received last evening. I presume you mean by the last-named sentence, in my case, the head of the custom-service of this district; that the request is not meant to apply to me personally, but to the office I represent, and that I am expected to ask contributions (?) from subordinate officers.

If that is your intention, I would respectfully refer you to the laws of the United States on the subject, and the instructions of the secretary under whose orders I act.

I never have, and never propose to take any such course while I have the honor to hold the position. But while I decline to submit to an assessment (I beg your pardon: voluntary contribution ?) as collector of customs, I do not intend, while holding this position, to relinquish any right that I have as a citizen. I propose always to meet my full share of the expenses of any organization to which I may belong, and I shall not be behindhand in doing my part as a member of the Republican party, in whose success I have from its organization taken the deepest interest. I intend, however, to be my own judge as to what is the proper amount, and when, and where, and how to contribute it.

Very respectfully,

JAMES SHAW, Jr.,
Collector

P. S.—I address this letter to you personally, because I cannot believe that the State central committee would authorize any such method of raising the necessary funds.

[Printed heading, as before.]

PROVIDENCE, R. I., November 5, 1876.

Gen. JAMES SHAW, JR.,

SIR: I have only time now to say that any contribution you choose to make, in any capacity, is needed by the State committee.

Very respectfully,

C. R. BRAYTON,

Chairman State Central Committee and Member of Finance Committee.

[Printed heading.]

PROVIDENCE, February 6, 1877.

Gen. JAMES SHAW, JR.,

SIR: In accordance with instructions of the Republican State central committee, I enclose an attested copy of resolutions unanimously passed January 30, 1877.

Very respectfully,

C. R. BRAYTON,

Chairman.

[Copy of resolutions.]

Whereas Gen. James Shaw, jr., was requested in writing by the chairman of this committee to contribute the sum of one hundred dollars towards the legitimate campaign expenses of the committee; and whereas, in a personal reply, over his official signature—presuming a construction unwarranted by the text of the request—he questions the authority of the chairman to make such request:

Therefore, resolved, That the chairman, being then a member *ex officio* of both the finance and executive committee, had full authority to make said request, and that the committee fully approve his action, both as to its form and substance, and regret that General Shaw's subsequent failure to subscribe at all gives rise to the impression that he may have made an unwarrantable presumption of the meaning of the text a pretext for evading a proper and equitable contribution.

Resolved, That the chairman furnish General James Shaw, jr., with a copy of the above *preamble and resolutions*, duly attested by the secretary.

A true copy of the original, unanimously adopted January 30, 1877.

D. B. POTTER,

Secretary pro tempore.

PROVIDENCE, R. I., February 8, 1877.

GENTLEMEN: I am in receipt of a letter from Charles R. Brayton, chairman, inclosing a resolution (in his handwriting) passed by the Republican State central committee on the 30th ultimo, endorsing his action in an attempt to assess Federal office-holders as such (heads of departments; see his letter of November 2), in the form of a request for contributions for campaign purposes largely in excess of the contributions expected from other citizens of equal income.

I deeply regret that gentlemen who should represent the Republican party of this State should indorse an action so utterly opposed to the letter and spirit of the National Republican platform. That, however, is a matter that concerns them and their chairman; but when General Brayton puts into their mouths, by those resolutions, such words as the following, viz, "General Shaw's subsequent failure to subscribe at all gives rise to the impression that he may have made an unwarrantable presumption of the meaning of the text a pretext for evading a proper and equitable contribution," he makes you first to *misstate the facts*, and then *impugn my motives*, and as gentlemen I shall expect you to amend the resolution by striking out the words above quoted.

My action in the matter has been exactly in accordance with my views as expressed in my letter of November 4, a copy of which is herewith enclosed, together with copies of General Brayton's letters of November 2 and 5, and February 6, and the resolution of the committee of January 30.

In my letter of November 4, it will be noticed that after giving my understanding of Brayton's letter of the 2d, I say, "*If such is your intention*," and then reply, and you will also notice that in his letter of the 5th he does not object to the construction I placed on his previous communication.

I am, gentlemen, very respectfully, &c.,

JAMES SHAW, JR.

TO REPUBLICAN STATE CEN. COM.,
Of Rhode Island.

[Printed heading.]

HEADQUARTERS REPUBLICAN STATE CENTRAL COMMITTEE.

COMMITTEE.—Chas. R. Brayton, Providence; Wm. H. Clarke, Burrillville; J. M. Wright, Foster; John P. Gregory, Lincoln; Wm. M. Spink, Warwick; Dexter B. Potter, Coventry; Thos. W. Chase, E. Greenwich, Alanson Crandall, Hopkinton; John G. Clarke, S. Kingston; Isaac F. Williams, Bristol; Cha. H. Handy, Warren; Allen C. Mathewson, Barrington; Geo. Manchester, Portsmouth; John P. Sanborn, Newport; Geo. M. Durfee, Tiverton; W. A. Pierce, Olneyville, chairman; N. S. P. Thomas, North Kingston, secretary.

PROVIDENCE, R. I., April 27, 1877.

Gen. JAMES SHAW :

SIR: I am directed by the Republican State central committee to acknowledge the receipt of your letter of February 8, received March 5, 1877, with enclosure as stated, and to say in reply that they have carefully considered the subject as submitted by you, and see no reason, no additional facts being presented, to amend the resolution of the old committee unanimously passed by them January 30, 1877, and hereby unanimously endorse the same.

Very respectfully, yours,

N. S. P. THOMAS,
Secretary.

Here ends the correspondence. The proceedings of the committee who *should* represent the Republican party of this State will be properly appreciated and stigmatized by every gentleman.

My views have already been given in my letters of November 4 and February 7.

Very respectfully,

JAMES SHAW, Jr.

PROVIDENCE, April 30, 1877.

The CHAIRMAN. Now look at these other papers and state what they are generally. (Handing papers.)

The WITNESS. (Examining the papers.) This is a letter from the President of the United States, dated January 10, 1879, reporting that my commission as collector is about to expire, referring to the Secretary of the Treasury and the officers of his department, to the Rhode Island delegation in the Senate and House of Representatives, and to the inclosed letter from almost every importer in this port, to letters on file in the Post-Office Department in 1869, just previous to the time my present commission was offered me, and respectfully requesting a re-appointment as collector of customs for the port of Providence.

That is from myself to the President of the United States, inclosed in a letter to the Secretary of the Treasury, forwarding that and all those letters and a letter addressed to Hon. Henry B. Anthony, Hon. A. E. Burnside, Hon. B. T. Eames, and Hon. Latimer W. Ballou, the Rhode Island delegation in the House.

By the CHAIRMAN :

Q. Of what date?—A. Of the same date. I will read as the easiest way to explain:

I have the honor to forward herewith a copy of my application to the President for a renewal of my commission as collector, with copies of letters inclosed therein from [naming them] importers, and Hon. John A. Gardner, late district attorney for this district.

In my letter to the President, I have referred him to the Rhode Island delegation in the Senate and House of Representatives, and believing that I have filled the position to the satisfaction of the Treasury Department as well as to the satisfaction of our business men, as shown by this *almost unanimous* indorsement of our importers. I would respectfully request your indorsement and approval.

I am, gentlemen, very respectfully, &c.

In justice to Mr. Eames and Mr. Ballou, I would say that I am informed by them that they never saw this correspondence.

Q. To whom was that letter addressed?—A. This last letter, inclosing

copies of the other letters, was addressed to the delegation by name, Governor Anthony, General Burnside, Mr. Eames, and Mr. Ballou. Following is a copy of all the letters sent there, and also letters from three other parties that were received after that letter was forwarded.

The CHAIRMAN. I propose to put all these in evidence.

Mr. ROLLINS. There is no objection.

The letters were received in evidence, as follows:

CUSTOM-HOUSE, PROVIDENCE, R. I.,
Collector's Office, January 10, 1879.

SIR: I have the honor to forward through you the inclosed application to the President for reappointment as collector of customs for this port.

Believing that the duties of my office have been performed to the satisfaction of your department, I have respectfully referred the President to yourself and the officers of the Treasury, to the Rhode Island delegation in the Senate and House of Representatives, to the accompanying letters from Providence Tool Company, American Screw Company, Boston and Providence Railroad Company, Nightingale & Kelton, Asa K. Potter & Co., Congden & Aylesworth, George L. Clafin & Co., Chambers & Calan, Barker, Chadsey & Co., John D. Lewis, S. D. Andrews, B. W. Persons, Chas. D. Owen, Callender, McAusland & Troup, Taylor, Symonds & Co., Wm. B. Weedon, Whitford, Aldrich & Co., Providence Gas Company, Congdon, Carpenter & Co., Wanskuck Company, Mason, Chapin & Co., Riverside Worsted Mills, Geo. Bridge, Dudley, Parkhurst & Co., Snow & Earle, Ryan Bros., Perry Davis & Son, Sweet & Arnold, James Tucker, jr., City Machine Company, and Geo. Hause & Sons, being, with few exceptions, all the importers doing business at this office, and to letters on file in the Post-Office Department in 1869, just previous to the time my present commission was offered me.

I am, sir, very respectfully, &c.,

JAMES SHAW, JR.,
Collector.

HON. JOHN SHERMAN,
Secretary of the Treasury, Washington, D. C.

CUSTOM-HOUSE, PROVIDENCE, R. I.,
Collector's Office, January 10, 1879.

SIR: My commission as collector of customs, which I have held for the past eight years, to the satisfaction as I believe of the Treasury Department and of the business men of this city, will expire on the 10th of February.

Respectfully referring to the honorable Secretary of the Treasury and the officers of his department, to the Rhode Island delegation in the Senate and House of Representatives, to the enclosed letters from almost every importer at this port, and to letters on file in the Post-Office Department in 1869, just previous to the time my present commission was offered me, I would most respectfully request a reappointment as collector of customs, port of Providence.

I am, sir, very respectfully, &c.,

JAMES SHAW, JR.,
Collector.

R. B. HAYES, *President.*

1.

OFFICE OF PROVIDENCE TOOL COMPANY,
New York, January 9, 1879.

SIR: I beg respectfully to represent that the office of collector of customs at Providence, R. I., has been filled by Gen. James Shaw, jr., with great fidelity and ability, and I earnestly hope he may be reappointed.

Our business with the office is considerable, and we have always been met by General Shaw and his assistants in a prompt and business-like manner.

With great respect, your obedient servant,

JOHN B. ANTHONY, President,
Of Providence, R. I.

{ To the PRESIDENT OF THE UNITED STATES,
Washington.

2.

WEYBOSSET MILLS, TAFT, WEEDEN & Co., Agents,
January 6, 1879.

To the PRESIDENT of the United States :

SIR : Understanding that the reappointment of Gen. James Shaw, jr., as collector of our port is at present under consideration, I beg to state that he is a faithful officer, and his continuance will be entirely satisfactory to our commercial community. I have had at times business with the custom-house in the direct importation of tools, and believe that our present collector is thoroughly efficient and entitled to the confidence of the government.

I am, with respect,

WM. B. WEEDEN.

3.

AMERICAN SCREW COMPANY,
January 8, 1879.

To the PRESIDENT of the United States :

SIR : I am informed that an attempt is being made to prevent the reappointment of Gen. James Shaw, jr., the very efficient collector of customs for this port, whose commission expires the coming month of February, against which we desire to enter an emphatic protest.

The transactions of this company at the custom-house for some years past, both as exporters and importers of merchandise to and from foreign countries, has brought me in frequent communication with General Shaw, whom I have always found to be both courteous and accommodating, and thoroughly conversant with the duties of his office, and I think the interest of both the government and the public will be best subserved by his reappointment to the position he has so satisfactorily filled.

Very respectfully, yours,

W. H. HENDERSON.

4.

JANUARY 6, 1879.

To the PRESIDENT of the United States :

DEAR SIR : We, as importers of foreign goods at the port of Providence, desire that Gen. James Shaw, jr., should be retained as collector.

His administration of the custom-house has been conducted with integrity, and is in all respects satisfactory to the mercantile interests of the city.

Yours, respectfully,

WHITFORD, ALDRICH & CO.

5.

BOSTON & PROV. R. R. CORPORATION, PRESIDENT'S OFFICE,
January 7, 1879.

To the PRESIDENT :—

SIR : Learning that General James Shaw, jr., is a candidate for reappointment to the collectorship of the port of Providence, I would respectfully and cordially urge and recommend such reappointment. In the frequent relations of this corporation with the custom-house of Providence, we have always found General Shaw prompt and efficient, and while exacting the most rigid compliance with government forms, he has done so with peculiar courtesy. Aside from my official and business relations, I have the pleasure to know General Shaw personally as a gentleman of integrity and refinement.

I have the honor to be, with great respect, your obedient servant,

HENRY AUSTIN WHITNEY.

6.

A. C. Barstow, Pres.
Wm. Goddard, V. Pres.
A. B. Slater, Secy. & Treas.

PROVIDENCE GAS COMPANY,
Providence, January 7, 1879.

R. B. HAYES,
President of the United States :

DEAR SIR : As importers of gas coals, we have had considerable business with Gen-

James Shaw, jr., the able, intelligent, and courteous collector of customs of this port, and beg to express to you our strong conviction that the interests of this community as well as of the government will be promoted by his reappointment.

Very respectfully,

A. C. BARSTOW,
President.

7.

PROVIDENCE, January 7, 1879.

TO RUTHERFORD B. HAYES,
President of the United States:

DEAR SIR: Hearing to our regret that there is an attempt being made to remove our most excellent collector, Gen. James Shaw, jr., for no fault but for the very poor reason that politicians need the place, we take the liberty of writing you in opposition to such a sad commentary as a change of this kind would be upon the excellent civil-service plank of our Republican platform. The writer having been constantly doing business as an importer with the custom-house for nearly thirty-one years, can say without the least reflection upon former collectors, that General Shaw is, in our opinion, far the best one we have had in all that time. While strict (as he should be) in the execution of the laws, he has been very active in the correction of abuses and removing unnecessary annoyances to importers.

It seems to us that the removal of so efficient and experienced an officer would be a great loss to the service, and we think the parties doing business at our custom-house agree with us.

Trusting that he may be retained many years in his present position,

We remain, with great respect, yours truly,

NIGHTINGALE & KILTON.

8.

PROVIDENCE, 1st Month 7, 1879.

We regret very much to learn that there is a movement to displace Gen. James Shaw, jr., as collector of customs.

As inspectors, we have had a good deal of intercourse with General Shaw, and we consider him admirably fitted for his position; his uniform courtesy, his straight-forwardness in the duties of his office, and his experience, commend him, we are sure, to all who are brought in contract with him.

We trust that you will clearly see it your duty to reappoint him collector of customs for Providence.

Yours, respectfully,

CORYDON, CARPENTER & CO.

To the PRESIDENT
Of the United States.

9.

PROVIDENCE, January 7, 1879.

HON. R. B. HAYES,
President of the United States:

DEAR SIR: I hear that there is a movement on foot to prevent, if possible, the reappointment of our present collector of customs, General James Shaw, jr., whose term of service is about to expire to that office, and I desire to say that for more than forty years I have had occasion to transact business in and through our custom-house, and that during the time, in my opinion, the superior to General Shaw has not occupied the position of collector of customs.

General Shaw is of the highest character—greatly respected in this community, and an honest man, and has been a faithful worker for the interests of our government; and beyond all this, he for years during the late war shared the perils of the contest at the head of his command. Therefore I hope and earnestly pray that you will reappoint the general to the office which he has so ably filled, believing that the interests of our country will be conscientiously cared for by him.

Truly yours,

ASA K. POTTER,
Firm of POTTER & CO.

10.

WANSKUCK Co., January 9, 1873.

To the PRESIDENT:

We cheerfully recommend General James Shaw, jr., for reappointment to the office of collector of this port on the grounds of his fidelity and efficiency in the discharge of his duties.

We have never known or heard of anything against his character or official good conduct.

Yours, respectfully,

WANSKUCK Co.,
JESSE METCALF,
Agent.

11.

PROVIDENCE, R. I., January 7, 1873.

Hon. JOHN SHERMAN,
Secretary Treasury :

Our business relations, as importers of foreign goods into the port of Providence, with the collector, General James Shaw, jr., have impressed us with the peculiar fitness of the general for the place, and as far as our knowledge extends his administration has been one of marked success, and we think the mercantile interests of the city would be promoted by his retention as collector.

Yours, respectfully,

CORYDON & AYLESWORTH

12.

MASON, CHAPIN & Co., WHOLESALE DRUGGISTS,
Providence, January 9, 1873.

To RUTHERFORD B. HAYES,
President of the United States :

DEAR SIR: Permit us to recommend for reappointment to the office of collector of this port General James Shaw, jr., who has filled the position so eminently satisfactorily for the past few years, and who is always uniformly courteous, while rigid in the performance of duty.

Yours, very truly,

MASON, CHAPIN & CO.

13.

PROVIDENCE, January 9, 1873.

To the PRESIDENT of the United States:

DEAR SIR: We understand that an effort is being made to remove the very gentlemanly and efficient collector of this port, James Shaw, jr., mainly, as we believe, upon the ground that he will not enter actively into politics, preferring to discharge the duties of his office in accordance with the principles of your civil-service order, as he understands them.

The position he holds he earned by faithful service to his country during the late war, and no man can truthfully say aught against his ability or efficiency in discharge of the duties of the office which he has so creditably filled for many years, and we should regard his removal for said cause as a manifest injustice to him and detrimental to the interests of this community.

Very respectfully, your obedient servants,

GEO. L. CLAFLIN & CO.

14.

JANUARY 8, 1873

DEAR SIR: Learning that the matter of the collectorship of the port of Providence is to be soon brought up, we take the liberty of addressing you, to express our entire at-

isfaction with the present collector, Colonel Shaw. [We have done a great deal of business with the custom-house here for a long time past, and have always found him so prompt, efficient, and still so courteous, that we cannot well see how the government and the people can be better served.

Respectfully, yours,

RIVERSIDE WORSTED MILLS,
FORDUCE CONDIT, *Treas.*

15.

JANUARY 9, 1879.

DEAR SIR: We are entirely satisfied with Collector James Shaw, jr., as an official and gentleman, and are pleased to indorse the successful working of the office.

Very respectfully,

CHAMBERS, CALDER & CO.

16.

George Bridge.

JANUARY 7, 1879.

To the PRESIDENT OF THE UNITED STATES:

DEAR SIR: Having been an importer at this port for several years, I would say that I feel well satisfied with the management of General James Shaw, jr., as collector of customs at this port, and it would afford me much pleasure to see him retained in his present position, which he has filled so efficiently for the past few years.

Yours, truly,

GEO. BRIDGE.

17.

PROVIDENCE, January 9, 1879.

Mr. R. B. HAYES, *Washington, D. C.:*

SIR: We, as importers, wish to say a good word for the present collector of this port, Mr. James Shaw, jr. We have always found him fully competent for the office and most thoroughly obliging, and we consider his efficiency and experience in the affairs of the office well worth your careful consideration before taking any measures which point to his removal.

Yours, respectfully,

BARKER, CHADSEY & CO.

18.

JANUARY 8, 1878.

To the PRESIDENT:

DEAR SIR: We regret to hear that a movement is on foot to remove General James Shaw, jr., from the office of collector of this port. All our transactions with General Shaw have been perfectly satisfactory, and we regard him as a very efficient officer.

We hope that it will not be deemed advisable to remove him.

Very respectfully,

DUDLEY, PARKHURST & CO.

19.

John D. Lewis.

To the PRESIDENT of the United States:

DEAR SIR: I learn that attempts are being made to displace our present collector of

customs, General James Shaw, jr., and take the liberty to say that I consider him a very faithful and efficient officer, and that his loss would be very prejudicial to the interests of both the government and the commerce of the port.

I am, yours, with great respect,

JOHN D. LEWIS.

20.

JANUARY 9, 1879.

DEAR SIR: We would ask of you, as importers, that General James Shaw, jr., should be retained as collector for the port of Providence. His administration has always been conducted with integrity, and we have found him both efficient and courteous in our dealings with him, and we consider that in all respects he is the right man in the right place.

Yours, truly,

SNOW & EARLE.

To the PRESIDENT.

21.

JANUARY 7, 1879.

To the PRESIDENT:

DEAR SIR: I wish to bear testimony to the official conduct and character of Mr. James Shaw, jr., the present collector of this port. I have had frequent intercourse with him in the importation of foreign merchandise, and have found him uniformly attentive to business and gentlemanly in conduct on every occasion. I believe him to be a man of the strictest integrity and peculiarly well fitted for the position he holds. When there are so many in public office unfitted for it, and so many delinquents, I feel it my duty to recommend the retaining of those who have had experience and who have served faithfully and well.

With great respect, I am, truly, yours,

S. DANEHEUR.

22.

Ryder Brothers.

JANUARY 8, 1879

To the President:

DEAR SIR: We learn with regret that there is some opposition to the reappointment of Colonel Shaw as collector of customs of this district.

We consider Colonel Shaw an able and trustworthy officer, and know of none more suitable for the position.

Yours, respectfully,

RYDER BROS.

23

JANUARY 9, 1879.

R. B. HAYES, *President*:

DEAR SIR: Allow me to say a word in favor of the present incumbent of the office of collector of the port of Providence, James Shaw, jr., who has held the office for the past eight years, and, so far as I know, has conducted the business of the office to the satisfaction of the business community with whom he has to deal.

Myself an importer of foreign coal and iron, can speak of his uniform courtesy, gentlemanly deportment, and of the management of the business of the office with pleasure.

Very respectfully, yours,

BENJAMIN W. PERSONS.

4.

JANUARY 9, 1879.

To the President of the United States:

RESPECTED SIR: Learning that an effort might be made to prevent the reappointment of Gen. James Shaw, jr., as collector at this port, we would with respect beg to express our approval of his administration of the affairs of the office in the past.

and to recommend a renewal of his commission, should you deem it for the best interest of the government.

We remain your obedient servants,

PERRY DAVIS & SON.
H. J. BLOODGOOD,
Attorney.

25.

JANUARY 9, 1879.

To the President of the United States :

DEAR SIR : We beg to offer our testimony in behalf of Gen. James Shaw, jr., as collector at this port. We have always found him intelligent, capable, and courteous in his official capacity, and we trust that his character, integrity, and record will be sufficient to retain him in the position he now occupies.

Very respectfully, yours,

OWEN BROTHERS.

26.

JANUARY 9, 1879.

DEAR SIR : Having had some business as importers with Gen. James Shaw, jr., as collector of the port of Providence, we desire to express our satisfaction with the manner in which he has performed the duties of his office, and we believe the business has been conducted in a manner to give universal satisfaction, and we think it for the interest of all parties that he be retained as collector of this port.

Very respectfully, yours,

SWEET & ARNOLD.

To the PRESIDENT.

27.

PROVIDENCE, January 8, 1879.

R. B. HAYES,

President of the United States :

DEAR SIR : Hearing with much regret that an effort is being made to remove our present much esteemed collector, Gen. James Shaw, jr., and knowing, from our transactions of custom-house business with him, that he is an able and efficient officer, and personally well qualified to administer the affairs of the office of his present appointment, we would regard his removal now as disastrous to the interests of civil-service reform.

Yours, very respectfully,

CALLENAN, MCAUSLAND & TROUP.

23.

JANUARY 7, 1879.

To the President :

DEAR SIR : As an importer of foreign merchandise I should regret exceedingly the removal from office of our present collector of customs, Col. James Shaw, jr. The business I have had with the office has always been of the most satisfactory nature ; have found him courteous, refined, and ever ready to please all doing business with his department. I believe the appointment of the aspirant for his office would result disastrously to the interest of the merchants of the city of Providence.

Respectfully,

JAMES TUCKER.

29.

Taylor, Symonds & Co.

JANUARY 7, 1879.

To the President of the United States :

DEAR SIR: We heard with some concern of a movement adverse to Gen. James Shaw, jr., collector of customs in our port. We earnestly desire his continuance in office. We have known him from boyhood, and, as his friends and as merchants of fifty years standing, we claim for him a character without reproach, an official record alike honorable and efficient, a career distinguished by patriotic service in our civil war, and popularity which is the outgrowth rather of his unquestioned deserts than of his own seeking. Such being our estimation of him, we earnestly ask that he may remain our collector, especially as we know of none more capable or more deserving.

Yours, very respectfully,

TAYLOR, SYMONDS & CO.

30

CITY MACHINE COMPANY,
Providence, January 10, 1879.*To the President of the United States :*

DEAR SIR: The City Machine Company, importers of foreign goods at the port of Providence, respectfully represent that in the administration of the affairs of this port by James Shaw, jr., collector, they fully believe that the interests of the government have been carefully conserved and efficiently maintained, and our intercourse with him has found him at all times courteous and faithful to the department.

Very respectfully,

CHAS. L. EATON, *Agent.*

31.

PROVIDENCE, January 10, 1879.

We, as importers of foreign merchandise in the port of Providence, most earnestly request that the commission of Gen. James Shaw, jr., as collector of customs, which we learn is about to expire, may be renewed.

We have always found our business with the custom-house to be courteously though strictly done, and believe that the interests of the government and the merchants would be promoted by his retention.

GEO. HAWES & SON.

To the PRESIDENT.

PROVIDENCE, January 9, 1879.

SIR: From long acquaintance with Gen. James Shaw, jr., collector of the port of Providence, and particularly from official business transactions with him during the six years I had the honor to occupy the office of United States district attorney, I most cheerfully recommend him to a reappointment.

I have the honor to be, sir, very respectfully, your obedient servant,

JOHN A. GARDNER.

To the PRESIDENT.

RUMFORD CHEMICAL WORKS,
Providence, R. I., January 11, 1879.*To the President of the United States :*

My DEAR SIR: We have had dealings with the custom-house at this port during Gen. James Shaw, jr.'s term of office, and his administration has been entirely satisfactory to us.

Respectfully,

N. J. ARNOLD, *Treat.*

Forwarded subsequently.

PROVIDENCE, R. I., *January 14, 1879.*

Hon. RUTHERFORD B. HAYES,
President:

SIR: As the time of service of the collector of this port, Mr. James Shaw, jr., is about expiring under his present commission, and as he is a candidate for reappointment, I desire to express my satisfaction with the manner in which he has performed the duties of his position, which have always been conducted intelligently, and with courtesy towards all having business with the office. He has always acted consistently as a Republican without using his official position as a means of controlling our local politics, which I think, as an official of the government, is worthy of commendation.

Most respectfully, yours,

ROYAL C. TAFT.

Forwarded subsequently.

PROVIDENCE AND STONINGTON STEAMSHIP COMPANY

Providence, R. I., January 11, 1879.

To his Excellency R. B. HAYES,
President of the United States:

We understand a movement is on foot to make a change in office of the custom-house here.

We have had a good deal of business to transact at the custom-house, and with no officer have we been better pleased than with the present incumbent, Gen. James Shaw, jr., collector of customs. He appears diligent, effective, just, and polite. We hope he will be continued in office.

Yours, truly,

Z. WILLIAMS, *Agent.*

Forwarded subsequently.

CUSTOM-HOUSE, PROVIDENCE, R. I.,

Collector's Office, January 10, 1879.

GENTLEMEN: I have the honor to forward herewith a copy of my application to the President for a renewal of my commission as collector, with copies of letters inclosed therein from * * * (naming them) importers, and Hon. John A. Gardner, late district attorney for this district.

In my letter to the President I have referred him to the Rhode Island delegation in the Senate and House of Representatives, and believing that I have filled the position to the satisfaction of the Treasury Department as well as to the satisfaction of our business men, as shown by this *almost unanimous* indorsement of our importers, I would respectfully request your indorsement and approval.

I am, gentlemen, very respectfully, &c.,

JAMES SHAW, JR.,
Collector.

Hon. H. B. ANTHONY.
 Hon. A. E. BURNSIDE.
 Hon. B. T. FAMES.
 Hon. L. W. BALLOU.

Forwarded subsequently.

By Mr. WHYTE:

Q. Towards the close of your administration did you issue any order in regard to patrolling or watching the wharf by coastwise inspectors, requiring their constant attendance on the wharf?—A. Yes, sir.

Q. You required a constant personal supervision of the wharves by the coastwise inspectors?—A. In giving my instructions to Captain Greene I remember saying to him, "Your duties are exactly those of a patrolman on the police." He had in former years been on the police, and I used that expression. "Your duties on the west side of the river

will be from the Crawford-street bridge down, and I require you to be on the beat constantly during the time vessels are being discharged." The duties of a coastwise inspector required him to see that each vessel was properly papered; that she had a proper manifest, and generally (although not so particularly as in the case of foreign vessels) that she was discharging what belonged on her manifest. Of course it is done not so carefully as in regard to vessels from foreign ports, but so as to give a general idea that the cargo corresponds with the manifest; also to see that the papers have not expired; they sometimes run over their time.

Q. Can a person upon the coal wharf, where Mr. Pomroy is in the habit of being, possibly discharge his duties by merely looking from that wharf and watching at a distance the vessels arriving and discharging their cargoes?—A. I should say not.

By the CHAIRMAN:

Q. Something has been said about Captain Greene having been a patrolman. Did he or not on the receipt of the civil service regulations give up that place as patrolman?—A. He did. Previous to that he was only on every other week. He was on one week and off another, and on day duty.

By Mr. BECK:

Q. And only receiving pay each alternate week?—A. Only receiving pay each alternate week.

By the CHAIRMAN:

Q. And on receipt of the civil service instructions he resigned his position as patrolman?—A. He resigned it immediately.

Q. Do you remember how many instructions as to civil service were sent?—A. I do not know how many. I received copies of all that were out generally.

NATHANIEL GRANT sworn and examined.

By Mr. ROLLINS:

Question. Where do you reside?—Answer. In Providence.

Q. How long have you lived there?—A. Some twenty-four years.

Q. Have you read the testimony before this investigating committee as published in the Providence Journal?—A. Not the whole of it.

Q. Have you read the testimony of W. A. Austin as there published?—A. I have.

Q. Did you on one occasion go to the Perrin House with the postmaster, Mr. Brayton, of Providence?—A. I did.

Q. On what day was it?—A. I cannot give you the date. It was quite a long time ago.

Q. Was it on a Sunday?—A. It was.

Q. Did Mr. Brayton, the postmaster, take any liquors to that house on that occasion?—A. He did not.

Q. Was he intoxicated on that occasion?—A. He was not.

Q. Why did you go there with him?—A. Because there was a friend of mine there and he had been very friendly with me; it was raining very hard and I had my team there and drove over to a stable close by, and then a friend of ours harnessed up a hack, and we got in the hack and went to the house. I carried a bottle of wine in my pocket, and Mr. Austin opened it, furnished the glasses and the ice. Mr. Austin helped us drink it, and I think there were five who took a glass of wine.

- Q. You drank one bottle?—A. Yes, sir; one bottle.
- Q. Who else accompanied you in the hack?—A. The stable-keeper, Mr. Brayton, and myself—three of us.
- Q. Was it within your knowledge that at that time Mr. Austin was financially embarrassed?—A. Yes, sir; I was his bail at that time.
- Q. Was the business there conducted in the name of some other party?—A. It was; his father-in-law, I think.
- Q. He subsequently failed, did he not?—A. I believe he did.
- Q. Do you know Mr. Austin?—A. I do, very well.
- Q. Did you know him well at that time?—A. Yes, sir.
- Q. What was his reputation for truth and veracity?—A. I do not think it was very good.
- Q. What is the reputation of the present postmaster of Providence, and the gentleman who was postmaster at that time, as an efficient and accomplished officer?—A. So far as my idea of a postmaster goes, he is as good if not better than we have ever had.
- Q. What are your politics?—A. I am a Democrat.
- Q. A Simon-pure?—A. Yes, sir.

By the CHAIRMAN:

- Q. Have you been to that house more than once with General Brayton?—A. I do not think I was in the house but that once.
- Q. Were you friendly with Mr. Austin at that time?—A. I was; if I had not been I should not have signed my name as bail.
- Q. Did you not fall out with him about that time?—A. I did right after that, because I had to pay for signing my name.
- Q. Do you recognize each other now?—A. No, sir.
- Q. Have you since that time?—A. No, sir; not since he refused to pay the debt. I called on him a number of times; that is, I sent a boy from my office there. He came over to my office and we had a conversation there, and I told him I should deliver him up to jail if he did not pay the bill. I do not know that it would be *apropos* to say something more. Within six months his wife has been at my office with her daughter, and stating that her husband has not done anything for her support for two or three years, and she would like to get money to get home to her father. I think they live in Pennsylvania somewhere; I do not know certainly.
- Q. Did you carry an affidavit there for Austin to sign, then or subsequently?—A. For him to sign? I do not understand what you mean.
- Q. Did you carry an affidavit to Mr. Austin to sign?—A. To sign what? No, sir.
- Q. You never carried an affidavit for him to sign?—A. No, sir.
- Q. Do you know of one having been carried to him to be signed?—A. I do not.
- Q. Did you carry any paper for him to sign?—A. I carried a paper for his father to sign, or I think my bookkeeper carried it.
- Q. What was the purport of that affidavit or paper?—A. I cannot tell you.
- Q. What did it refer to?—A. In regard to his making a threat against the postmaster that he was there intoxicated, and for him to acknowledge that he was not.
- Q. That was the paper?—A. That is as near as I can remember.
- Q. Did he sign it?—A. I do not think he did.
- Q. At whose instance was that sent there?—A. My own.
- Q. Had the postmaster nothing to do with it?—A. Nothing to do with it.

Q. He did not know you had sent it ?—A. No, sir.

Q. Did he know it afterwards ?—A. Yes, sir.

Q. And knew that Austin had refused to sign it ?—A. I will not say he knew Austin had refused to sign it.

Q. But he knew you had carried it, or it had been carried ?—A. Yes, sir.

Q. Were you ever in the private office of the postmaster at any time when there was a jubilee or a drinking in that office ?—A. I never was there at any jubilee.

Q. Were you ever there at any time when there were twenty-nine bottles of wine drunk ?—A. No, sir.

Q. Were you there at any time when any number of bottles of wine were drunk ?—A. I have been there when wine was drunk, probably two or three bottles; I cannot say how many. I do not think I was ever there when there were more than two or three.

Q. In his private office ?—A. Yes, sir.

Q. Did you ever tell anybody you had been there when there was quite a large amount of wine ?—A. That might have been.

Q. Was this in the post-office building where this wine was drunk ?—A. His private office.

Q. How many persons were present there ?—A. I cannot tell you, I am sure. I should not think more than half a dozen. I do not know that I was ever in there when there were more than half a dozen.

Q. How often were you there when wine was being drunk ?—A. I do not think on the regular business of the post-office I ever was in Mr. Brayton's private room more than half a dozen times in my life.

By Mr. BECK :

Q. You said your recollection was that you had taken some paper in the form of an affidavit for Mr. Austin's father to sign ?—A. Yes, sir.

Q. Either you had left it or your clerk had taken it ?—A. I think the clerk took it.

Q. And you wanted Austin's father to sign that affidavit disclaiming a statement he had made relative to General Brayton being there drunk ?—A. Yes, sir.

Q. Had Mr. Austin's father made that statement ?—A. Yes, sir.

Q. And Mr. Austin as well ?—A. No, sir.

Q. So that this Mr. Austin, who testified yesterday, had not made the charge at all ?—A. He did afterwards, but not that day.

Q. But his father had made the charge ?—A. His father did make a charge that day that he thought we had been drinking something, and he knew Mr. Austin went and got the glasses.

Q. So that this charge of drunkenness against the Providence postmaster was made both by Mr. William A. Austin and by his father ?—A. Yes, sir.

Q. What was his father's name ?—A. I do not know.

Q. Is he alive or dead ?—A. I do not know.

Q. A man somewhat advanced in years, I suppose ?—A. He must be, I should think.

Q. What is his character—good or bad ?—A. I do not know anything against his character.

Q. Do you know upon what ground he made the charge ?—A. I suppose because he was a temperance man and he knew that his son had been in the habit of drinking a little more than he ought to, and he probably did not like to have anything drank in the house. I do not know of any other reason.

Q. Had you heard old Mr. Austin—I call him “old Mr. Austin” to distinguish him from his son—make any charge of drunkenness against the postmaster?—A. No, sir.

Q. How did it come that you felt yourself impelled to write out an affidavit for the old man to sign?—A. Because Mr. Austin had made so much talk about it, and I knew it was not true; and then he said he was not the proprietor of the house; it was his father.

Q. Then you wanted the old man to sign it?—A. Yes, sir.

Q. Had the old man made so much talk about it?—A. He had not made talk. I do not know that he made that talk. The talk that was made was by his son.

Q. Why did you want the old man to sign the paper?—A. Because he said the father was proprietor of the house and he was not; but he was the gentleman who made the talk out doors.

Q. Do you remember the purport of that affidavit?—A. I do not.

Q. How could you make an affidavit for a man to sign without consulting him?—A. Because I had talked with him previously to writing this and he agreed with Mr. Austin.

Q. The young one or old one?—A. The young one. Then he said that he was not the proprietor of the house, that he would take it and his father would sign it.

Q. It did not make any difference who was proprietor of the house or who was not, on the question of drunkenness or sobriety?—A. I do not know, I am sure.

Q. Was that at the time when special officers were investigating the conduct of General Brayton?—A. There were three gentlemen there. I saw only one. I do not know what they were there for. Mr. Brayton carried some supplies, ink, paper, and pens, over to those gentlemen, and said there were some gentlemen there investigating the post-office. I saw only this one.

Q. The affidavit was drawn while they were still there?—A. No, not that I know of.

Q. How long afterwards?—A. I do not know how long they staid there.

Q. How long after the night you were there was it that you brought this affidavit to the old man to sign?—A. A week or ten days, probably.

Q. Whether those men were then still there or not you do not know?—A. I do not.

Q. What did you intend to do with the affidavit when you obtained it?—A. I only wanted Mr. Austin to close his mouth about what he had to say about Mr. Brayton, because I knew it was not true.

Q. How far did you suppose an affidavit, signed by his father, would cause young Mr. Austin to close his mouth?—A. Because I supposed, as soon as I began to talk with him, he was not the proprietor of the house, and he said that his father was the only man who found any fault. I thought that was the man who ought to sign that paper.

Q. What did the finding fault, or not finding fault, have to do with the fact of drunkenness or sobriety? Was not the affidavit an affidavit that the man was not drunk?—A. I was not brought into that; I had nothing to say about it.

Q. What was in that affidavit?—A. I cannot say. I do not know. Probably I wrote it this way: I should call him probably “Gus”—that is the way we almost always call him—“Colonel Brayton was not intoxicated at your house at such a date.” That was it probably. I do not know. That is all I wanted him to sign.

Q. You wanted the father to sign that?—A. I wanted him to sign it in the first place, but he said he was not the proprietor; his father was the proprietor.

Q. But what difference did it make who was the proprietor if the fact was drunkenness or not drunkenness? Had the father charged Brayton with being drunk?—A. The father found fault with us having wine in the house. I do not know that the father found fault with his being drunk, or not drunk. The father found fault with having wine in the house, because he was a temperance man.

Q. And you wanted his father's affidavit?—A. I wanted young Mr. Austin's affidavit first. Then he said he was not the proprietor, and then I asked him if he would get his father.

Q. And you wrote the paper for his father?—A. Yes, sir.

Q. And did not get it signed?—A. No, sir.

Q. And from that time you never spoke to young Mr. Austin?—A. O, yes.

Q. How long after that?—A. Probably six months.

Q. Did you ever speak to the old gentleman afterwards?—A. I never saw the old gentleman. I should not know him if he came in here now. I do not know that I ever spoke a dozen words to him in my life.

Q. How did you hear that they had been charging General Brayton with being drunk?—A. Because if you are very well acquainted with Mr. Austin you may hear him talk almost anywhere in Providence, and he would take particular pains to go around and talk.

Q. And do you say General Brayton did not ask you to get up this affidavit at all?—A. He did not.

Q. What was the affidavit to be used for? Was it to be used before that commission?—A. At that time there was a considerable lot of talk about our post-office, and I did not know whether it was going to that commission, or where it was going. I wanted to stop his mouth from talking about wine being drunk in his house, and saying that General Brayton was drunk in his house. I knew if he would write that, we would shut his mouth up.

Q. Did you intend to use that affidavit before the commission then investigating the post-office?—A. No, sir; I merely wanted him to shut his mouth up; that was all.

Q. How did you come to carry a bottle of wine to that house?—A. Because I had drunk wine with the same friend that I carried it to.

Q. Had drunk wine that same evening?—A. No, sir.

Q. What friend was it you had drank the wine with?—A. I cannot tell you the name. He is in New Hampshire; one of the New Hampshire men.

Q. An agent of the post-office?—A. That I do not know.

Q. An agent of any office?—A. I do not know.

Q. Was he a Washington deputy?—A. I suppose he was. He was represented to be such.

Q. Where had you drunk wine with him before?—A. At his own house in Burlington, Vermont.

Q. How long before that?—A. Probably six months.

Q. What were you doing there?—A. I was there as an Odd Fellow.

Q. And he was one?—A. Yes, sir.

Q. His name was what—Green, Bigelow, or what?—A. I think it was Bigelow; I cannot tell you certainly.

Q. Had you met him?—A. I never had met him before or since, only in Providence.

Q. We have been told Bigelow was a New Hampshire man?—A. I will not say whether he was a New Hampshire man.

Q. You know whether the house you drank at with him was in Vermont or New Hampshire?—A. I think it was in New Hampshire.

Q. You said "Burlington, Vermont," just now, "as an Odd-Fellow"?—A. Yes, sir.

Q. Where did the Odd-Fellows meet?—A. We were coming home from Montreal.

Q. Did you come through Burlington, Vermont, or through New Hampshire?—A. I cannot tell.

Q. Were you sober when you were there?—A. I believe I was.

Q. Can you not remember the town or the State?—A. I think it was in New Hampshire.

Q. Then you were mistaken when you said "Burlington, Vermont"?—A. I might have been.

Q. The man's name you think was—A. That I cannot tell you. All I know, we met there and he came to Providence.

Q. Had you seen him in Providence before you carried that bottle of wine?—A. No, sir.

Q. Who told you he was there?—A. The postmaster.

Q. Where did you meet the postmaster that night?—A. I met him in his office.

Q. Did you have any wine in his office that night?—A. No, sir. I met him in the post-office; not in his office, but in the post-office.

Q. Did he then inform you for the first time that these agents were there?—A. Yes, sir; he said "a friend of yours is over to this hotel."

Q. Did he ask you to go with him?—A. I had my team there and it was raining very hard, about the same as it rained last evening. I took my team and carried him over there to take those supplies over to those gentlemen.

Q. What time of night was it; do you remember?—A. I should judge between three and four o'clock in the afternoon.

Q. Where had you been out driving; do you remember?—A. I had only driven to the post-office from my house.

Q. Do you remember what day of the week it was?—A. Sunday afternoon.

Q. And from the post-office where did you drive?—A. Over to the stable to put my horse up, because I could not leave him out. There was a hack there; we got into this hack and drove from there to the Perrin House.

Q. Did you take any drinks in the mean time?—A. No, sir.

Q. How long had you been with General Brayton before that?—A. It might have been five or ten minutes. I merely went to get my mail.

Q. What had he been doing before that?—A. I do not know.

Q. Do you know whether he had been drinking before that or not?—A. I do not know.

Q. You do not know the extent to which he had been drinking that day?—A. I do not.

Q. Nor how long before he had been drinking, if he had drank any?—A. I do not.

Q. Where did you get the bottle of wine?—A. At Mr. Blandon's drug-store.

Q. What sort of wine was it?—A. Piper-Heidsick.

Q. And you went directly over to the hotel?—A. Yes, sir.

Q. Who drank it?—A. Mr. Brayton, Mr. Austin, Mr. Bigelow, I think

his name is, and another gentleman; I cannot call his name, but at the same time I see him every day. He kept the stable.

Q. Whitford?—A. Whitford. That is his name.

Q. How long did you remain there?—A. Probably we were not there twenty minutes, or half an hour.

Q. Did General Brayton and you leave together, or did you leave him there?—A. We left together.

Q. At these different times when you were about the post-office, five or six times, and had a little drinking, not over two or three bottles at a time, who were generally with you?—A. I never have been there with any one personally. Sometimes I would go there, and, for instance, pay my rent of the box. If there would be any one in there and I would look in, I would just go in. Sometimes I would sit there and talk about matters of the day, and if there was any one there, and he had a glass of wine, he would offer me a glass of wine.

Q. How many bottles did you say you had seen drunk there at one time?—A. I cannot tell you. I do not think I ever saw over three.

Q. Would you and the postmaster dispose of three yourselves?—A. Well, I do not know—pretty much.

Q. Three bottles to two men are not much for some men, but a good deal to some others?—A. I guess we could probably finish them if we should try hard and you gave us time enough.

Q. Did you try hard and did you take time to drink three bottles between you two gentlemen?—A. We should have to try pretty hard to drink three together.

Q. Have you ever done it?—A. I do not know that we ever drank three bottles together at a time. I know we never did.

Q. When you saw two or three bottles drunk, how many were there doing it?—A. I do not know; I did not count them.

Q. Did you not have pretty frequent frolics about there?—A. No, sir.

Q. You were not often there?—A. Only on business.

Q. When you did go, you generally took a drink?—A. Sometimes, and sometimes not; oftener not.

By the CHAIRMAN:

Q. You do not know but that General Brayton may have gone to the Perrin House on another occasion? He did not go there with you every time he went?—A. I only went with him that once.

Q. You do not know but that he may have been there another time?—A. He might have been there a thousand times for aught I know.

Q. Might he have been there another time intoxicated, without your knowing it?—A. He might have been; yes, sir; without my knowing it.

Q. You only speak of this one time?—A. That is the only time I ever was in the house with Mr. Brayton.

By Mr. ROLLINS:

Q. Was not this occasion to which you refer the one referred to by Mr. Austin in his testimony?—A. Yes, sir.

Q. It was on Sunday, was it not?—A. It was.

Q. And the special agents, Bigelow, Field, and Gurley were present?—A. I only saw the one.

By Mr. WHYTE:

Q. Had you been drinking any at the post-office that afternoon with the general before you went down?—A. Yes, sir.

Q. Where did you get the bottle of wine?—A. At Mr. Blandon's drug-store.

Q. After you left the post office?—A. He asked me to drive him over there. I told him I would drive him over there. He said, "This friend of yours is there." And I went to Mr. Blandon's, got the bottle of wine, put it in my coat, and went and got my team and drove over there. The stable where I put my team is right back of the post-office.

Q. So you went and got this wine for the purpose of entertaining this friend?—A. Yes, sir; and also some cigars.

THOMAS W. WHITFORD sworn and examined.

By Mr. ROLLINS:

Question. Where do you reside?—Answer. In Providence.

Q. How long have you lived there?—A. About ten years, steadily; and, more or less, for twenty-five years.

Q. Did you go to the Perrin House on one occasion with Mr. Brayton, the postmaster of Providence, and the last witness, Mr. Grant?—A. I did.

Q. On what day of the week was it?—A. Sunday.

Q. Was Mr. Brayton intoxicated at that time?—A. I should think not.

BENJAMIN L. ALLEN sworn and examined.

By Mr. ROLLINS:

Question. Where do you reside?—Answer. In Providence.

Q. How long have you lived there?—A. Five years.

Q. Do you know Mr. Brayton, the postmaster of Providence?—A. I do.

Q. And Mr. Grant?—A. Yes, sir.

Q. Did you on one occasion, on a Sunday, drive a carriage in which were Messrs. Brayton, Grant, and Whitford?—A. I did.

Q. Please state the circumstances briefly.—A. It was Sunday afternoon when Mr. Grant drove into the barn with Mr. Brayton and told me to harness up a team, they wanted to go to the Perrin House to visit some friends. I ordered the horses to the carriage. They invited Mr. Whitford to go with them. They went up to the Perrin House. I stayed in front of the house until they came out and came back to the barn.

Q. Was Mr. Brayton intoxicated on this occasion?—A. I do not think he was.

Q. Did you subsequently drive a carriage in which were Messrs. Brayton, Field, and Bigelow?—A. I do not know the gentlemen's names. They were some committee from Washington. I do not know who they were.

Q. Agents from the Post-Office Department?—A. Yes, sir. One's name was Bigelow. I do not remember the names of the others.

Q. On what occasion was that?—A. I think they were looking for witnesses for some case they were investigating about Postmaster Brayton.

Q. Did the postmaster at that time hire a carriage of you for the purpose of hunting up witnesses?—A. Yes, sir.

Q. And went out for that purpose?—A. Yes, sir.

Q. Did he succeed in finding the witnesses that he went for?—A. Yes, sir.

Q. When the witnesses were found did the agents of the department call upon them alone and question them, or did Mr. Brayton go with them?—A. Mr. Brayton was in the carriage or on the sidewalk talking to passers-by or in conversation with me all the time. I did not see him go in with the agents at all. They seemed to be doing business on their own hook. I did not know the nature of their business; only as they came out they seemed to make remarks and laugh, as though it did not amount to much, whatever they had done.

By Mr. WHYTE:

Q. Did you notice whether Mr. Brayton had been drinking that afternoon?—A. I should not think he had. I did not take particular notice. He always is jolly and jovial; I did not see anything drunk about him; I have known him a great while and I never saw anything of that kind.

Q. You never saw him under the influence of liquor?—A. Never. I have carried him a great many times; I never saw anything out of the way. Mr. Brayton is a man who is very jovial and naturally a little noisy, but not drunk at all.

By Mr. ROLLINS:

Q. What is Mr. Brayton's reputation as an officer of the government, as postmaster?—A. I have always heard him spoken of very highly.

Q. He administers the duties of the office in a manner satisfactory to the people of Providence generally?—A. Yes, sir; and in the vicinity of Providence. I have occasion to go into the small villages and towns, and I have heard them speak very highly of him as making a great many improvements in the post-office, so far as transporting the mails was concerned, &c.

GEORGE M. KENDALL sworn and examined.

By Mr. ROLLINS:

Question. Where do you reside?—Answer. In Providence.

Q. How long have you lived there?—A. I was born there.

Q. What is your occupation?—A. Chief clerk of the Providence post-office.

Q. How long have you been there?—A. Since June, 1845.

Q. Who was postmaster when you were first appointed?—A. Welcome B. Sayles.

Q. Was Mr. Sayles a Democrat?—A. Yes, sir.

Q. Have any Democrats, who were found in office when Mr. Brayton took possession, been removed?—A. No, sir.

Q. Have any assessments been made upon the officers, yourself or others, for political purposes?—A. Never to my knowledge.

Q. You never knew of any?—A. I never knew of any. I never had any assessment proposed to me by anybody.

Q. Have you been asked to take an active part in politics?—A. O, no.

Q. To go to the polls and vote in any way?—A. Never was asked to in my life.

Q. Do you know of any other employé of the office who has been?—A. No, sir.

Q. Have you read the testimony of William A. Richardson, as reported in the Providence Journal, before this committee, or any of it?—A. Well, I read perhaps two-thirds of it

Q. Did you read that part of the testimony relating to an injury received by yourself from a stool?—A. Yes, sir.

Q. State what you know about that affair.—A. There was a party of gentlemen down the river and some one threw a stool and it struck the ground a little way from me, bounded, and I received the spent force of the stool on the temple.

Q. Was it a serious injury?—A. No, sir.

Q. An accidental affair?—A. Perfectly so.

Q. Was it at a clam-bake?—A. Yes, sir.

Q. It was not a drunken carousal?—A. No, sir.

Q. Was it an orderly and peaceful gathering of people for a Rhode Island clam-bake?—A. Yes, sir; these were unexceptionable gentlemen, all of them.

Q. Was it of rather a high order?—A. No, sir; not remarkably so.

Q. It was quite respectable in all respects?—A. Yes, sir.

Q. A fair representation of your citizens?—A. Yes, sir.

Q. Do you know William A. Richardson who testified here?—A. Yes, sir.

Q. How long have you known him?—A. I have known him from his boyhood.

Q. You knew him while he was a letter-carrier?—A. I knew him as letter-carrier at one time.

Q. State how he discharged the duties of his office.—A. He was a very good carrier.

Q. Why was he removed or relieved from duty as carrier?—A. He was promoted from carrier to a clerkship in the office.

Q. Was he not finally removed?—A. Yes, sir; he was finally removed by Mr. Brayton.

Q. Why was he taken from the route as a carrier and detailed as a clerk in the office?—A. He was considered quite an efficient writer, &c., and made a very good clerk in that regard. There was an opportunity to have another clerk, and he was selected to fill the place.

Q. Was he promoted by the present postmaster, Mr. Brayton?—A. I should consider it a promotion. He was changed from an ordinary clerk to superintendent of carriers, consisting of some twenty-odd men.

Q. In your intercourse with the postmaster did he complain of the manner in which Richardson discharged his duties?—A. I do not know that he complained of the manner in which he discharged his duties. He complained of the manner of his conduct in the office.

Q. In what respect?—A. Well, that he seemed to foment small difficulties, and himself got so that he did not speak very respectfully of the postmaster amongst the men that he had under him, and became so that I suppose the postmaster thought he could not tolerate it any longer.

Q. Did he make trouble in the office?—A. That made trouble.

Q. Did he have any controversy or struggle with one of the other carriers?—A. I understood he did, although I was not witness to it.

Q. Was it so understood generally in the office?—A. Yes, sir; a sort of scuffle or fisticuff, or something of that sort, with one of his subordinates.

Q. You say you have been there since 1845?—A. Yes, sir.

Q. And you are now chief clerk?—A. Yes, sir.

Q. You are familiar with the management of the office during this entire period?—A. Yes, sir.

Q. Has the office been conducted as well under the administration of Mr. Brayton as under that of any of his predecessors since you have been there?—A. I think it has.



Q. And as far as you know the office is well conducted ?—A. Yes, sir.

By the CHAIRMAN :

Q. Has it been the practice of mail agents to bring articles of merchandise into the post-office to sell to the clerks, such as eggs and butter ?—A. They have done so heretofore, but not recently.

Q. Have you ever purchased articles from any of the mail agents ?—A. I have purchased butter from a mail agent.

Q. Has that been a practice generally with the mail agents ?—A. No ; I don't think generally. It was occasionally done.

Q. By different mail agents ?—A. This mail agent brought butter to some half a dozen of us there, we soliciting him to bring it, having found out that there was a good article to be obtained in Worcester.

Q. Have you ever heard the postmaster complain of it ?—A. He never complained to us of it. I did not know that he was aware of it. I cannot say.

Q. Was Agent Clark one of the agents who brought this produce ?—A. No, sir ; he is not the person to whom I refer.

Q. Did Clark ever bring anything into the office to sell, to your knowledge ?—A. Never to my knowledge.

By Mr. ROLLINS :

Q. What are your politics ?—A. Well, I am a Democrat always.

By Mr. WHYTE :

Q. Do you vote that ticket ?—A. I have not voted I suppose in twelve or fifteen years.

By Mr. ROLLINS :

Q. You were appointed as a Democrat ?—A. Yes, sir.

Q. And in those days appointments were considered as a reward for political services somewhat, were they not ?—A. Not so much so as they might be in other branches of the government. There never has been in the post-office anything as a reward much for political services. The pay, &c., in view of the time occupied by clerks and employes of the post-office, is not a reward and cannot be a reward. There is too much required of them.

Q. You probably would not have been appointed if you had been a Whig in those days ?—A. Possibly not.

Q. You have no reason to suppose you would have been ? Were any Whigs appointed to office at the time you received your appointment or during the administration of a Democratic postmaster ?—A. The habit has been to leave all post-office employes as they were without regard to the postmaster. Whenever a change was made the postmaster would select a friend of his own, whether it was on account of his politics or his personal preference. It has never been a political machine in the hands of any party since I have been associated with it.

Q. And is not now ?—A. And it is not now, so far as I know. Postmaster Brayton has selected many men that I cannot suppose were selected because of their politics ; in fact, I do not believe he knew what they were. When he wanted a man, he took such as he could get that he thought would fill the place. He may have appointed some that were known to him politically as his friends, but I do not believe he has selected them exclusively on that account.

By Mr. WHYTE :

Q. Do you know of any Democrat that he has appointed ?—A. No, I do not think of one at this moment. I said that the practice is when

there is a vacancy for a man to fill it with his own friends; but there has been no one discharged on account of politics since I have known the office.

By the CHAIRMAN :

Q. As a matter of political history, how long is it since the Democrats have been in power in Rhode Island ?—A. That wants some refining, that kind of question does. The Democratic party in Rhode Island has been a very singular party. It has supported certain men for office that were not Democrats, and finally it got merged into a branch, as I might say, of the opposite party, electing Mr. Sprague.

Q. How long since you have had a Democratic governor ?—A. I think Governor Allen was the last one.

WALTER D. WESSON affirmed and examined.

By Mr. ROLLINS :

Question. Where do you reside ?—Answer. In Providence, R. I.

Q. Were you ever an employé or a clerk in the Providence post-office ?—A. Yes, sir.

Q. What position did you hold ?—A. One year I was delivery clerk; nearly six years I was stamp clerk.

Q. What was your position in the Providence post-office during the summer of 1877 ?—A. I was stamp clerk.

Q. Have you read that portion of Mr. Clark's testimony as published in the papers, wherein he testifies that he saw in the private office of the postmaster two ladies ?—A. Yes, sir.

Q. From the position you occupied as stamp clerk would you have known if these parties were present ?—A. I should have been very apt to; it is possible I might not. There is a side door to General Brayton's office that I could not see from my position.

Q. If there was any unusual noise there would you have heard it ?—A. I should have heard it.

Q. Did Mr. Clark's business call him to this private office of the postmaster at six o'clock in the evening ?—A. I did not know that it did.

Q. He would have no occasion to go there as a route agent ?—A. No, sir.

Q. Was he in the habit of going there within your knowledge ?—A. I never saw him there.

Q. If he was there on this occasion was it an exceptional case ?—A. I should judge so.

Q. If you had seen him there on this occasion would you not be likely to remember it ?—A. I should.

Q. Did you observe any ladies on this occasion passing in or out of the office ?—A. I never saw any ladies in General Brayton's office except his wife and his sister-in-law with friends; that is, they have had friends with them. I never saw any other ladies, except those, alone in the office—excuse me, except on one occasion I saw a lady book-agent inquiring for General Brayton, asking permission to go through the office to canvass for books. That is the only exception.

Q. Have you ever had any conversation at any time with Mr. Richardson and Mr. Clark, the parties who have testified here, in reference to the removal of Mr. Brayton, the postmaster? If so, state what occurred.—

A. Mr. Richardson and Mr. Clark came to the stamp window at one time

and greeted me cordially and said, in substance, "We have got Mr. Brayton," meaning that they had got some hold on him by which they could put him out of the office. That was the tenor of the remark.

Q. Was it the understanding among the employés of the office at that time that these parties were engaged in the business of having Mr. Brayton removed, and also that a Mr. Dawley was likewise engaged?—A. I cannot speak for anybody else. I understood so.

Q. What is your present position?—A. Mail agent on the Providence and Worcester Railroad.

Q. Why did you leave the post-office?—A. On account of ill-health.

Q. You desired to make the change?—A. I did.

Q. What is your route?—A. Providence and Worcester Railroad, between Providence and Worcester, leaving Providence twenty minutes past seven a. m. and Worcester at four p. m.

Q. You are at Providence every night?—A. Every night.

Q. How are the mails made up in the Providence post-office; are they made up properly and as well as in any other office?—A. A 1.

Q. As well as at any office?—A. Yes, sir.

Q. Have you had any reason to complain of the way in which the business of the office is conducted?—A. No, sir; not once.

Q. You have had good opportunities of judging the way in which business is conducted?—A. As good as any mail agent.

Q. And as a man employed in the office for several years?—A. Seven; yes, sir.

Q. What is the general reputation of the Providence post-office?—A. A 1, first class.

Q. Is it conducted in a manner satisfactory to the people doing business at the office?—A. I never heard the least complaint.

Q. If there were any complaint it would be likely to reach your ears?—A. I do not say that, but I should be pretty likely to hear some of them if there were many.

Q. You being an employé of the Post-Office Department, a route agent, and having been a clerk in the office, if people had complaints to make, the complaints would be very likely to reach you?—A. I should be very likely to hear some of them.

Q. It is necessary for you to reach the cars in the morning, or whenever you leave Providence, or any other point, before the train hauls out from the depot?—A. Yes, sir.

Q. Could a man properly discharge the duties of his office who did not reach the train until after it was taken from the depot?—A. He could not. Excuse me, I will qualify that. The train is left in the depot over Saturday night and all day Sunday and Sunday night. That train is not hauled out until twenty minutes before seven on Monday morning. A man, possibly, if he had a light mail, might be able to get his mail off during that time, between twenty minutes of seven and twenty minutes past seven; but all the rest of the week the car stands out on the track where you can get to it at any time.

Q. A route agent would be considered as neglecting his duty who did not ordinarily reach the depot before the train was hauled out?—A. Before the train left, do you mean?

Q. Yes.—A. Yes, sir.

Q. It would be necessary for the route agent to be at the train some little time before the train started?—A. Yes, sir; in order to assort his mail.

Q. And if he did not get there until just as the train was about to leave, he would be guilty of neglect of duty?—A. Yes, sir.

Q. About how many direct packages do you tie up in coming to Providence in the evening ?—A. Thirty-six direct packages and nine "difs."; that is, nine for different routes.

Q. While you were an employé of the Providence post-office, did you ever see the postmaster intoxicated or under the influence of liquor ?—A. Never.

Q. Did you see him every day when there ?—A. Every day when he was there.

Q. How long were you in the office ?—A. I was seven years in the office lacking two months, four years, lacking two months, under General Brayton.

By the CHAIRMAN:

Q. You stated that your position as stamp clerk put you in a position where you could see into the private office of the postmaster ?—A. Provided the door was open.

Q. You do not pretend to say that Mr. Clark may not have been there at 6 o'clock one evening without your knowledge ?—A. Certainly he might have been, but I should be very apt to know it, because, in order to get to Postmaster Brayton's office through the office, he must come through the door through which I would have an opportunity of seeing him.

Q. But it is possible he may have been there without you, knowing it ?—A. Quite possible.

Q. Suppose Mr. Clark had wanted to get a large quantity of stamps for some postmaster, would he not have to see Mr. Brayton ?—A. Not necessarily.

Q. Ordinarily would he not have for a very large quantity ?—A. No, sir.

Q. To whom would he go ?—A. To the stamp clerk.

Q. Yourself ?—A. Myself.

Q. Are you authorized to loan stamps ?—A. No, sir.

Q. If he wanted to borrow stamps ?—A. Then he would have to go to the postmaster, or Mr. Kendall.

Q. If he wanted to borrow a large quantity of stamps, would he not have to go to the postmaster ?—A. Either to the postmaster or Mr. Kendall.

Q. Suppose you were very much engaged selling stamps to a customer, might not a person go to that door without your seeing him ?—A. The rules of the office required the door to be closed and kept closed, and the door could not be opened without my knowing it, although I was engaged in selling stamps.

Q. With your back to it ?—A. My back was not to it; I was sideways.

Q. Was there another door ?—A. A door that led off the lane that led into Mr. Brayton's office.

Q. Could not Mr. Clark have gone into that door ?—A. He might have gone into that, but he would not have been very apt to go into that door.

Q. He could have got in there without your seeing him ?—A. Certainly.

Q. Did not mail agents usually go in and out that side door ?—A. No, sir; not the side door that I refer to.

Q. Would not ladies going in there be likely to go in at that side door ?—A. No lady would be apt to go in at that side door.

By Mr. ROLLINS:

Q. If Clark went to the office to do business with the postmaster, would he, or would he not, go in at the door to which you alluded rather than the side door?—A. I should. I should consider that I had no business going in the other door. In order to get in the other door you would have to knock, because the door is usually kept locked.

Q. Could you hear a rap on that door where you stood?—A. Possibly.

By Mr. BECK:

Q. You were there four years lacking two months under Postmaster Brayton?—A. Yes, sir.

Q. Do you profess to say to the committee that Mr. Clark or any other gentleman could not be in the postmaster's private room at any time during those four years without your knowing it?—A. I have not professed to say any such thing.

Q. How is it that you undertake to throw doubt upon Mr. Clark's being in that private room at any time during those four years without your knowing it?—A. I did not know I had thrown any doubt. I said it would not have been very apt to happen that he could get into that office through the door through which he ordinarily came without my seeing him.

Q. Do you know what time it was when he professed to be there when he saw two ladies there?—A. I think his testimony reads "quarter past six."

Q. What month and what year?—A. I do not know.

Q. If you do not know the month or the year when he professed to be there, how is it you are undertaking to say to the committee that the chances are that he was not there?—A. He professed to be there in the summer time.

Q. Of what year?—A. 1877. I was on duty at that time; that is, I was employed in the post-office at that time. Possibly I might not have been on duty.

Q. Was it any part of your duty to see who went into the postmaster's private room?—A. It was part of my duty to see who went into the office.

Q. Into the postmaster's private room?—A. Into the office, not into the postmaster's private room.

Q. I am speaking of the private room?—A. No, sir.

Q. It was not your duty to see who went into the postmaster's private room?—A. No, sir.

Q. Did you not understand Mr. Clark to say that this occurred in the postmaster's private room?—A. Yes, sir.

Q. You were not a spy on him?—A. No, nor anybody else.

Q. And you were not making it your business to watch who went in and out of that room?—A. I made it my business to see who came into the office while I was on duty.

Q. But who came in or out of the postmaster's private office you do not know?—A. No.

Q. That office was part of the post-office building, a part of the United States Post-Office?—A. Yes, sir.

Q. There was a door that led from that outdoors into a street?—A. Yes, sir.

Q. And hundreds of people might have come and gone whenever they pleased without you knowing anything about it?—A. Come into the office do you mean?

Q. No, into the postmaster's private room?—A. Yes, sir.

Q. There was nothing to prevent men or women, with or without business, going into the postmaster's private office without you knowing anything about it?—A. No, sir.

Q. When the office door was closed between his private room and yours, you were shut out from it altogether, were you not?—A. Yes, sir.

Q. And there was a door that led out into the street?—A. Yes, sir.

Q. So that Mr. Clark, ladies, or anybody else could go in whenever they liked?—A. They could.

Q. The postmaster did not consult you about whom he should bring there?—A. He was not apt to.

Q. Nor tell you who had been there?—A. No, sir.

Q. Nor open the door for you to see when persons were there?—A. No, sir.

Q. Then what do you want us to understand by your testimony; that you contradict Mr. Clark's statement that he was in that room, and saw ladies there?—A. I have not contradicted Mr. Clark's statement, but all I say that it is very improbable he should have been there and gone through that door without my knowing it, if I was on duty.

Q. Through the door of the post-office?—A. Through the door that leads into the main office from the outer office.

Q. And you think your attention would be sufficiently called to Mr. Clark or anybody else going in there in the summer of 1877, so that in the summer of 1879 you can say you recollect that he was not there?—A. I should have been very apt to have known it if he had passed through the door to Mr. Brayton's private office.

Q. Were there not persons passing into the postmaster's private office every day?—A. No, sir; not at that time of day.

Q. Were they not, during the day, at different times of the day?—A. Yes, sir, but not through that door.

Q. Can you recollect the day that any one man, two years ago, passed into that private office?—A. No, sir.

Q. And there were dozens passing in every day?—A. Not through that door. The main office closed at five o'clock. Anybody, in order to get to the postmaster's office, must either rap at the outside door or come through the door I have reference to.

Q. And a person who knew that the office closed at five o'clock, and was going to call on him at six, was just as apt to go from the street, and knock at his private door, as come through yours?—A. No; they would come and ask me if Postmaster Brayton was in, usually.

Q. But if the post-office was closed, why should they not go around the street and go to his own private office? It was pretty well known to everybody, was it not?—A. It was the custom to ask whether he was in or not.

Q. But they went to the other door?—A. If they went to the other door and rapped they would be very apt to get in if he was there. To save the trouble of rapping they usually came to me.

Q. Was it not a perfectly easy and natural way to go?—A. Not natural.

Q. Why not?—A. I should not consider it natural.

Q. Was there not a street there, and a door there?—A. A street was there, and a door was there.

Q. And the postmaster was inside, if he was there at all?—A. Not necessarily inside that office.

Q. The chances were that after office hours he was there if he was in the building at all?—A. If you had an office, and had two doors to it, one in the rear and one in front, a man would be very apt to come to

your front door first and ask if you were in the office, without going around to the rear door.

Q. If I had a private office, and a man wanted to see me on private business, would he not be apt to come there?—A. Not to the rear door.

Q. His own private office?—A. No, sir.

Q. Then all you pretend to say is that you did not see Mr. Clark at any time that summer going in there?—A. I never saw him there.

Q. You do not know who these ladies were that were talked about—handsomely-dressed ladies—that it is said were there? You have seen champagne in that room, have you not?—A. No, sir.

Q. Never?—A. No, sir.

Q. Were you never invited in to take a drink?—A. No, sir.

Q. You were not treated as well as some other friends?—A. He knew my principles and probably respected them. I do not drink.

Q. But do you say there never was any drinking in that room?—A. I did not say any such thing.

Q. Did you ever see any?—A. I never saw any.

Q. Did you ever see Mr. Grant there?—A. Yes.

Q. Did you ever see him take a drink in there?—A. No, sir.

Q. You never knew there was any liquor in there when he was there?—A. Never.

Q. Did you never hear of any wine being there?—I never did.

Q. You were in that post office four years lacking two months?—A. Yes, sir; four years lacking two months.

Q. Would you not be very much astonished if a gentleman of Mr. Grant's respectability was to tell you he had drunk two or three bottles of wine there?—A. Not at all.

Q. Why would you not be surprised?—A. Because I know he is a drinking man.

Q. Who is?—A. Mr. Grant.

Q. Mr. Brayton takes a drink occasionally, too?—A. Yes; I have seen him drink. I saw him drink here to-day for the first time in my life.

By Mr. ROLLINS :

Q. Is it light at quarter past six in the post-office at Providence?—A. In the summer-time; yes, sir.

Q. If Mr. Clark or anybody else came there seeking an interview with the postmaster, he would naturally, you say, come to the front door?—A. He would naturally come through the door leading from the main office to the business office.

Q. And he would have to pass through the business office in order to reach the private office?—A. Yes, sir.

Q. He could not well do that without you seeing him?—A. No, sir.

Q. Is it within your knowledge that at six o'clock the back door was kept locked?—A. Not at all times. In the summer-time sometimes it would be open for ventilation.

Q. But ordinarily the rule was to keep it locked?—A. Ordinarily it was locked.

Q. And Mr. Clark came there, if at all, not on private business, but business connected with the Post-Office Department?—A. I cannot tell anything about that.

WILLIAM SPENCER sworn and examined.

By Mr. ROLLINS :

Question. Where do you reside ?—Answer. In Providence.

Q. What is your occupation ?—A. I am a letter-carrier.

Q. How long have you been employed as a letter-carrier ?—A. I am under the impression a trifle over fifteen years.

Q. Were you employed as a letter-carrier prior to the administration of the present postmaster ?—A. Yes, sir.

Q. Do you know William A. Richardson ?—A. Yes, sir.

Q. Was he ever employed as a letter-carrier ?—A. Yes, sir.

Q. Do you know why his position was changed and he made a clerk in the post-office ?—A. Well, as Mr. Kendall said, I understood they wanted a clerk there and they gave him the position. I never knew why it was really.

Q. It was a more desirable position than the one he held ?—A. It might have been.

Q. Do you know of any other reason why he was removed from the position he occupied as letter-carrier and brought into the post-office ?—A. No ; I do not really know of my own knowledge, but there had been numerous reports concerning it in the post-office.

Q. What were the reports ?—A. Some said the people objected to his being on the route.

Q. Why ?—A. I can only state what we have heard there in the office ; what has been the general report.

Q. Give us that.—A. That was some time or other exposing his person, I believe.

Q. In the street ?—A. Not exactly in the street, but at his house.

Q. What has been the character of the carrier service in Providence since Mr. Richardson was removed ?—A. I think the carrier service now, that is the carrying of letters, is done much more satisfactorily to the people generally than it ever was before.

Q. Was Mr. Richardson superintendent of the letter-carriers ?—A. Yes, sir.

Q. In the discharge of his duty did he leave any of the routes unprovided for ?—A. It has been so reported in the office, but I could not state that of my own knowledge. I have been pretty well satisfied that was the case. I have no means of really knowing, because I had my own duties to attend to.

Q. Did he not neglect his duty in that regard ?—A. It has been so reported.

Q. Did he at one time leave his post of duty during the summer and impose the duties he ordinarily performed on one of the youngest carriers ?—A. That I cannot state.

Q. Was it so reported ?—A. It was so reported. We had extra duty to perform there ; after night we had to perform it. I never knew whether it was through his neglect or not.

Q. Was there any neglect of duty on the part of Mr. Richardson during the visit of the American Board of Foreign Missions ?—A. There was a disobedience of orders, I believe. Mr. Brayton wanted to arrange everything as conveniently as possible for them, both for the delivery and collection of mails there, which I believe was not properly attended to.

Q. Mr. Richardson disobeyed orders ?—A. It was so understood, and the matter accumulated to quite an extent in the office.

Q. Do you think, from the reports which reached you from time to

time, that the postmaster had sufficient reason for removing Mr. Richardson as superintendent of letter-carriers at Providence ?—A. I think he had.

By the CHAIRMAN :

Q. You are still a letter-carrier ?—A. Yes, sir.

Q. Mr. Richardson is not ?—A. No, sir.

Q. Are you under the control of Mr. Brayton, the postmaster ?—A. Yes ; I am under his control, but I do not get orders from him.

Q. Did you ever see Mr. Brayton at the Aldrich House at any time during the year 1877 ?—A. I cannot tell. I have seen him at the Aldrich House, but as to date I cannot say.

Q. Did you ever see him there on the 14th of October, 1877—Sunday evening ?—A. No, sir.

Q. Did you see him at any time there in 1877 ?—A. I cannot say about dates, but I presume I have seen him there.

Q. Did you ever see him there intoxicated ?—A. No, sir.

Q. Did he ever tear your coat at any time, asking you to drink—pulling you about ?—A. No, sir.

Q. Did he ever tear it at all ?—A. He pulled a button off once, pulled aside, but not at all under the influence of liquor.

Q. Why did he do it ?—A. I have not the remotest idea, except that he wanted to go by, and the coat probably would have torn if anybody had taken hold of it.

Q. Did you go before that commission sent here to examine into certain charges against the postmaster ?—A. No, sir.

Q. Were you summoned ?—A. There was some talk about my being summoned, but I was not ; I do not know why.

Q. You were not summoned ?—A. No, sir.

Q. Did you ever tell anybody that you saw Mr. Brayton at the Aldrich House drunk on the 14th of October, 1877 ?—A. No, sir.

Q. Did you ever tell anybody he had torn your coat whilst intoxicated ?—A. Not whilst intoxicated.

Q. Did you ever see Mr. Brayton intoxicated ?—A. I never did.

Q. Did you ever see him take a drink ?—A. Yes, sir.

Q. Where ?—A. I have seen him take a drink at the Aldrich House ; I have seen him take one at the Adams House.

Q. Do you discharge your duties any better now than you did when Mr. Richardson was superintendent of letter-carriers ?—A. I do not know that I discharge my duties any better, but they are so arranged that it is better for the people I am delivering for.

Q. You do not discharge your duties any better, then ?—A. I cannot discharge them any better ; I work all the time.

Q. Who is the present superintendent ?—A. Mr. Rider.

Q. Who is Mr. Rider ?—A. I never saw the gentleman till he came in the office. I did not know anything about him.

Q. Does Mr. Rider assort the mails that are carried about by the letter-carriers ?—A. No, sir ; he does not.

Q. Who does ?—A. A gentleman by the name of Douglass. Mr. Rider has general charge of the affair.

Q. Whose business is it to assort the mails, the superintendent of letter-carriers ?—A. It used to be the letter-carriers' business. We assorted them for a number of years.

Q. Was it so when Mr. Richardson was there ?—A. A portion of the time.

Q. Who did it then ?—A. He did it, and a part of the time the car-

riers assorted them themselves; part of the time he was there he assorted papers, and I think had charge of our department.

Q. Did he not assort letters too?—A. No, sir; until the latter part of his being there; then he was appointed general superintendent and had charge of letters.

Q. When he was superintendent, I mean?—A. He was called superintendent when he did not assort letters at all; whether he was or not I do not know, but we were led to suppose he was.

Q. What does Mr. Rider do if he does not assort the mail?—A. He superintends the city delivery. He has no time to attend to assorting the mail at all.

Q. Where does Mr. Rider stay most of the time?—A. In the office.

Q. At the general delivery?—A. Not at the general delivery, because they have clerks there; but he is where anybody can call on him who wants any information.

Q. What office do you speak of?—A. The post-office.

Mr. BRAYTON. I wish to state to the committee that a person summoned on my behalf last evening is too sick to attend, but I have his affidavit, which I should like to submit.

The CHAIRMAN. What is his name?

Mr. BRAYTON. Samuel B. M. Read.

The CHAIRMAN. My individual opinion is that we cannot take his affidavit. He ought to be here to be cross-examined, or we can send a subcommittee to take his testimony. I will submit the question to the committee.

Mr. ROLLINS. In view of the latitude already allowed here I move that this affidavit be admitted.

Mr. BECK. I agree with Mr. Rollins that there has been a great deal of latitude in the examination of witnesses; there must necessarily be in all investigations of this sort, and I do not know of any so wide as that of the last witness, but I want all the facts to go in and all the information possible obtained so that Mr. Richardson may cross-examine or bring other witnesses. As to the breadth of the investigation, it has been necessarily wide, but I never heard of a committee where an affidavit was received. If there are men implicated they have a right to cross-examine the man who sends the affidavit. Is there any case where an affidavit was taken before a committee of Congress?

The CHAIRMAN. I never heard of it. (Examining the affidavit.) There is not a particle of proof here that the man is sick.

Mr. ROLLINS. The fact of his sickness can be proved by the deputy sergeant-at-arms.

The CHAIRMAN. He is not a doctor. Every man in the room might be thought to be sick by an officer and nothing be the matter with him.

The motion to admit the affidavit was not agreed to; Mr. Rollins and Mr. Chandler voting in the affirmative, and the Chairman and Mr. Beck in the negative.

Mr. ROLLINS. Mr. Brayton has copies of certain papers that he wants to call the attention of the committee to.

Mr. BRAYTON. Mr. Clark in his examination stated that the charges I preferred against him were frivolous, and supported by witnesses whose testimony did not sustain the charges, and that he knew of no report ever having been made.

The CHAIRMAN. If you are going to testify, General, had you not better be sworn.

Mr. BRAYTON. I do not desire to testify. I simply offer this as a statement in regard to A. W. Clark.

The CHAIRMAN. I would very much prefer your doing with that as has been done with the other papers, testifying in reference to it under oath.

Mr. BRAYTON. If you desire to call me I will go on the stand.

The CHAIRMAN. I do not want to call you; you can be sworn if you desire.

Mr. BURNSIDE. If I may be allowed to state, these are copies of affidavits that were taken before the Post-Office Department investigating committee, Bigelow, Field, &c. They are accessible and can be identified by Mr. Murphy by comparison with the papers on file in the Post-Office Department at Washington. What General Brayton desires is either to have these papers presented here as copies, he swearing that they are true copies, or to have this committee refer in their report to that investigation and to the proceedings which took place in that investigation, so that the whole matter can be laid before the committee at Washington. He desires to get all the facts before the committee.

The CHAIRMAN. So far as I am concerned, I prefer to instruct the reporter to call for the original papers.

Mr. BRAYTON. That will be entirely satisfactory to me.

Mr. BECK. Those in both investigations.

Mr. BRAYTON. I only want to get in the report.

Mr. BECK. Let the reporter get a correct note of it.

Mr. BURNSIDE. The papers are on file in the Post-Office Department.

The papers relative to the charges against Aaron W. Clark, route-agent Boston and Providence Railroad, with the report of the special agents of the Post-Office Department therein, were put in evidence, and will be found appended, marked Exhibit A.

The papers relative to the charges against Charles R. Brayton, post-master at Providence, with the report of the special agents of the Post-Office Department therein, were put in evidence, and will be, found appended marked Exhibit B.

B. T. EAMES sworn and examined.

By the CHAIRMAN:

Question. Make any statement you please.—Answer. I do not like to volunteer it, but I would call the attention of the Chairman to some testimony given by a Mr. Ellis in Saturday's proceedings before this committee, which referred to me personally, with regard to my first election to Congress. I was not here, but read in the papers on Monday a statement of his testimony. I may not have from the published report the correct statement of his testimony. I understand from the reports I have seen that he said before this committee that, in my first election to Congress in 1870, I went openly before the people and purchased votes, that I bought up the election substantially. That is what I want to reply to with or without questions.

I desire to say to this committee as to that election, that I did not either directly or indirectly attempt in any way to influence the vote of any elector of my district by the use of money, and I never have in any election that has been had where I have been a candidate.

I state this positively and explicitly, because the matter refers to me. I have stated before this committee that I openly went into the streets; that I bought up the election; that I went openly before the people and bought the votes.

The CHAIRMAN. I remember the statement perfectly well, but I did not know that you were the gentleman to whom he referred.

The WITNESS. I was. I will state to the committee just exactly what I did do then, if they desire.

The CHAIRMAN. I do not know that that is necessary.

The WITNESS. I mean so far as the appropriation of money was concerned.

Mr. BECK. I think whatever you regard as a proper vindication of yourself you ought to state, and you are the best judge of what is proper.

The WITNESS. I wish to limit myself to this not only as to me personally, but as to the citizens of the district that I have represented in Congress.

That election occurred in the fall of 1870. Previous to that time there was a Republican convention called in this State for the purpose of nominating a candidate of the Republican party for Representative in Congress from the first district. There were a great many ballots taken in the convention; I do not know how many, but I should think over thirty. I was one of the names voted for in the convention with others; among them Mr. Thomas A. Jenckes, who was my predecessor, and Mr. Thomas Davis. They were the two Republicans who received the most votes with myself. The result of that convention was a disagreement, and, finally, an adjournment without making any nomination at all. Soon after that time I received a note from a gentleman acting in behalf of Mr. Jenckes, Mr. H. H. Thomas, of Providence, who was the chairman of the committee, in which I was invited to meet him at Howard Hall, in the city of Providence, for the purpose of discussing the issues of the day, as I recollect the purport of it. I replied to that letter stating that as we were of the same political party and as probably there was no particular difference between us as to our principles as members of the Republican party, I could see no occasion for the exhibition to which he had invited me, nor did I think any good would come from it to the people, and declined to meet him. The result of that was, in view of the vote that had been cast for me in the convention as a candidate, my name having been brought out and no nomination having been made, I announced myself to the electors of this district as a candidate for election to Congress, and my friends, some of them, united in a circular, in which they represented that, in their judgment, I was a suitable and proper person for the place. That circular was printed at my expense. Some of the names were in one part of the State and some in the other. I may not have paid the expense of getting the signatures to that circular. My impression is that the gentlemen refused to take anything for it. I paid probably in that election what was paid for printing the circular, the distribution of the circular throughout the district pretty extensively, any expense attendant upon that. I paid for the tickets that my name was on as the candidate. I may, but I am not sure of this, have paid for some gentlemen who were attending the different tables in the ward-rooms and towns for their services in attending the tables on the day of election; I do not recall now another dollar that I appropriated or anything that I appropriated in any other direction at that election.

That is about the substance of what I did during that election, and the whole expense, I think I may venture to say and keep within bounds, was not one hundred dollars out of my pocket.

I state this in answer to the statement made by the gentleman who was a witness upon the stand here, in which he accused me, before my

own people and before the country, of having gone openly before the people and bribed voters in that election.

By Mr. BECK:

Q. Is that all you care to say?—A. That is all. I simply wish to limit myself to the statement that was made so far as it referred to me and reflected upon my people.

CHARLES FIELD affirmed and examined.

By Mr. ROLLINS:

Question. Where do you reside?—Answer. At Boston.

Q. Have you any official connection with the Post-Office Department?—A. I am special agent of the Post-Office Department for the New England States.

Q. Did you at any time go to Providence and examine charges preferred against the postmaster of the city of Providence, Mr. Brayton?—A. Yes, sir; in the latter part of March, 1878, or first of April; I do not recollect precisely the date.

Q. Did you give full opportunity to all parties interested to prefer charges and come in and testify before you when you made that investigation?—A. Yes, sir. I would here state that Mr. William H. Bigelow was with me. I think we gave all ample opportunity; in fact they so stated to us when we got through. Mr. Clark represented the petitioners and the affidavits, and he was very well pleased, or told me that he was, and satisfied with the investigation we had made.

Q. Did he have opportunity to rebut all the testimony that was offered by Mr. Brayton?—A. Yes, sir.

Q. Did the postmaster shrink from investigation, or did he court it?—A. He rather courted it.

Q. Did you find him always ready for the investigation when he came, ready to respond to your calls?—A. At all times.

Q. How many times did you visit Providence in regard to this matter?—A. I think about three times. The main investigation covered six days of time.

Q. Were the parties who complained of the postmaster ready when you came?—A. Mr. Clark was the representative of the petitioners and also of those who made the affidavits. I notified Mr. Clark and Mr. Richardson, I think, and told Mr. Clark I should be ready and would take his cue as to how I should start out. He wanted us to swear witnesses. I told him that we could not do that; we had no authority for that; that belonged only to Congress and the courts; that we had no authority for that, but that we should do the best we could, and if he would supply us with names we would visit the parties personally, or would have them come to us at the hotel. We finally decided upon an invitation to extend to those parties, and Mr. Clark did the inviting; that is to say, we drew up the invitation and he agreed to it and gave us a list of names, which we sent. I think we sent the first day 17 to 20, and but three or four responded. I know the remark he made at the time was, that unless we could compel those witnesses to come before us under oath the whole thing would be a farce. That was his remark to me at the time. We found it, in fact, partially so from the fact that there were but very few who came before us. Then we took a list of names beyond that, and at the suggestion of Mr. Clark we called upon

them, drove around over the city, and I think I conversed with some seventy-five people in the city of Providence at that time—more than that.

Q. Did the postmaster furnish you a conveyance to hunt up witnesses?—A. Yes, sir. On the second or third day, I think, we told Mr. Brayton we were ready, and he did furnish us a carriage, and in some cases went with us, and would leave us, he remaining in the carriage, and we would go in and visit the parties we were to call upon.

Q. Did you make a report in this case?—A. Yes, sir.

Q. To the Postmaster-General?—A. Yes, sir.

Q. Have you a copy of that report?—A. Yes, sir.

Q. Can you produce it to this committee?—A. Yes, sir.

Q. Have you it with you?—A. I brought my copy back with me. I went to the office this morning before I came away and brought my copy back with me.

Mr. ROLLINS. I should like to put in that report and make it part of the evidence.

The WITNESS. I have it in a copy-book. I could not take it out of there very well.

Q. But a copy can be made?—A. I have not a copy of the accompanying affidavits. All the affidavits and papers, and the statement of every witness we examined, were put in writing and submitted with the report to the department—every item that was taken, every remark that was made.

Q. If you will produce the report we shall have a copy made.

A. [Producing a book.] This is it.

By the CHAIRMAN:

Q. How long is that?—A. It covers twelve pages. This is on file in the department. This is merely my copy.

By Mr. ROLLINS:

Q. State on what pages of your book the report is to be found?—A. 344 to 355 inclusive.

Q. That is a copy of the report you made to the Postmaster-General at the time?—A. Yes, sir; signed by Mr. Bigelow and myself. It is dated April 16, 1878.

Q. What is the general reputation of the Providence post-office?—A. It is good.

Q. Is the business conducted properly there?—A. Yes, sir.

Q. Have you an efficient and accomplished postmaster there?—A. I think so.

Q. Does he discharge the duties of his office to the satisfaction of the people as far as you know?—A. Yes, sir; no complaints.

Q. No complaints ever reached the department except these?—A. These are all I ever heard of.

Q. Did you call on a large number of citizens for their views in regard to the management of the post-office?—A. Yes, sir.

Q. Democrats and Republicans alike?—A. Yes, sir.

Q. What was the general report?—A. The general report was good; a better postmaster, they said, they had not had for years.

Q. Where does Mr. Bigelow reside?—A. At Augusta, Maine.

Q. He is not a resident of New Hampshire?—A. No, sir.

Q. Is there any special agent of the Post-Office Department resident in New Hampshire?—A. Mr. Cheney, of the railway mail service, is the only one.

Q. He is not an agent in the sense that you are?—A. We are all called special agents.

Q. But his duties are different?—A. Yes, sir.

Q. What is Mr. Bigelow's name?—A. William H.

Q. Where does he reside?—A. At Augusta, Me. Then there is another Mr. Bigelow, who lives at Burlington, Vt.—George Bigelow. He is an agent.

Q. Which one was here with you?—A. William H., of Augusta, Me.

By the CHAIRMAN :

Q. Explain to the committee just how you conducted this investigation into the charges against Mr. Brayton?—A. When we came I wrote a note to Mr. Clark, notifying him that we were appointed upon the commission, and would be at Providence on a certain day, or soliciting a day when he would be glad to meet us. I forget just how that was done; if he keeps copies of letters he may have that. Then Mr. Bigelow, who had been there previously, had selected apartments. We thought we would go to the Perrin House. So we went there and notified Mr. Clark. We met Mr. Clark on our arrival there, with Mr. Richardson, and, I think, a Mr. Dawley. There was where the conversation commenced as to how we should proceed in making the investigation, and the question came up about swearing witnesses, and I told them we had no authority to do that or compel them to come before us.

Q. Whilst that examination was being conducted, did any witnesses testify before you, and if so, who were they, that Mr. Brayton was a drunkard?—A. Yes, sir.

Q. Who were they?—A. Mr. Richardson, Mr. Clark, Mr. Dawley, and Mr. Cook, I think, but I will not be certain. I think those four covered all who testified to that before us.

Q. Did Mr. Collins appear before you?—A. I do not recollect; I am not impressed with that name at present.

Q. Did Mr. Austin appear before you?—A. Mr. Austin did not. Mr. Austin is the keeper of the hotel, is he?

Q. I do not know. Did he put in an affidavit?—A. No, sir.

Q. Did Mr. Arnold appear before you?—A. I cannot just recollect. There were quite a large number of gentlemen that we called upon; very few came to our rooms at our invitation. I think it would be covered by less than a dozen, not more than that, and the others we called upon. I know that with my papers at Washington I submitted every particle of evidence which we took and the names of all the gentlemen called upon, but I cannot now just call them to mind.

Q. Did Mr. Aplin appear before you?—A. I do not recollect him.

Q. What was the general tenor of that testimony as to Mr. Brayton's habits?—A. So far as those men that were there were concerned, they made out, from their standpoint, that Mr. Brayton was an intoxicated man; that is to say, covering Mr. Richardson, Mr. Clark, Mr. Dawley, and Mr. Cook. Those were the four prominent men.

Q. Did Mr. Austin testify?—A. Mr. Austin did not testify.

Q. Did he make an affidavit?—A. Not to me.

Q. Did he make it to anybody?—A. I think there was an affidavit from Mr. Austin, which was submitted to us by General Brayton before we closed, affidavits which were inclosed with the papers and forwarded to the department at Washington. I do not know whether there is one from him or not, but if there is it is there.

Q. Do you remember what that affidavit submitted by Mr. Austin was?—A. I do not.

Q. You say Mr. Brayton submitted it to you?—A. If there was one, it would have come from him. There were a number that Mr. Brayton obtained in that way, which were submitted to us at the close of the investigation.

Q. What were your orders in reference to the manner of conducting that investigation—with open doors or with closed doors, or did you have any orders on that subject?—A. We had no orders on that subject. We were ordered to make as thorough an investigation as we could.

Q. What is your habit in that regard?—A. As a general case, in making an investigation of that kind, I start into town, I see the leading men on the petition who ask for the investigation. I consult with them as to what the best mode of procedure is to get at all the facts covering the case, and then I go, if it is against a postmaster, to him and tell him what I am there for, and that we have laid out a line of procedure that we shall work upon, and let him confer with us about it. That is my general way of doing.

Q. Did General Brayton show you around the city while you were at Providence?—A. No, sir; he did not.

Q. Not at all?—A. No, sir.

Q. Did you never tell anybody so?—A. He only took us in a carriage to get two witnesses. I have been to Providence at times and have driven out with him in his buggy.

Q. Did you on that occasion?—A. I did not.

Q. Did you go to the theater on that occasion, and if so, with whom?—A. Mr. Bigelow and myself went one evening by ourselves.

Q. You did not go with Mr. Brayton?—A. No, sir, we did not. Mr. Brayton was not there.

Q. What theater was it?—A. I think it is the Academy of Music. It was an opera piece there that night.

Q. You say Mr. Brayton did not accompany you?—A. He did not.

Q. Was he at the door with you?—A. If he was there I did not see him.

Q. Did Mr. Brayton at any time intrude himself into your investigation when other witnesses were there whilst the investigation was going on?—A. No, sir; we did not consider anything an intrusion; it was open and free to anybody.

Q. It was an open investigation, then; everybody could go in?—A. Yes, sir.

Q. Did Mr. Brayton interrupt any of the witnesses at the time they were giving their testimony?—A. No, sir.

Q. Not at all?—A. No, sir.

Q. Did the men you have just mentioned testify to seeing Mr. Brayton intoxicated?—A. The men that I mentioned did; the four.

Q. Did they swear that they saw him intoxicated in his private office at the post-office?—A. I think Mr. Clark and Mr. Richardson did. Mr. Dawley I do not think did, or Mr. Cook.

Q. Did they testify as to his having improper persons in his office—women?—A. No, sir; I never heard that charge before. I have heard it here.

Q. How long after you had the investigation was it before you made your report to the Post-Office Department?—A. I think within a week or ten days.

Q. From whom did you get your orders to make these investigations?—A. From our chief special agent, Mr. Parker, at Washington.

Q. How long were you making this investigation?—A. I think we were at Providence six days at one sitting.

Q. And you did not swear any witnesses?—A. No, sir.

Q. Did you examine any on behalf of General Brayton?—A. Yes, sir.

Q. How many?—A. I do not know; Mr. Brayton called in nobody in rebuttal, but gave us a list of names on his side to go and visit around the city. There was no one brought in.

Q. Did you take their statements?—A. Yes, sir.

Q. In writing?—A. Yes, sir.

Q. Are those on file with your report?—A. Yes, sir.

Q. The people who made their statements in behalf of General Brayton?—A. Yes, sir; it was made up just as I found people. A great many of the names were given to us by Mr. Clark, and Mr. Richardson, and Mr. Dawley.

Q. Did Mr. Brayton go with you in person when you visited these parties?—A. In no case did he call on any person with us; but one forenoon we took a carriage and drove around to some few that he wished us to call upon. I think the first man we called upon at that time was Ex-Governor Howard of this State. Then we went to Mr. Barnaby's, and up to the state-house to see some parties there. The Senate was in session then. We visited four or five individuals. Then in the afternoon we went by ourselves.

Q. Do you remember how many of these statements in writing you took?—A. I think thirty or forty of them, mere statements. I would go in and ask a gentleman what the reputation of Mr. Brayton was as postmaster. "Excellent," or whatever he would say about it, would be put down. "Is Mr. Brayton a drinking man?" "Have you seen him intoxicated?" That was the charge preferred against him which we investigated—drinking. Mr. Clark charged him with being a common drunkard. That was what we were to investigate.

Q. Have you the orders under which you came here, or are they in this letter-book?—A. No, sir; we get them in a jacket from the department with an order, and that is returned back when we make report; all the original papers are then returned to the department. We keep nothing.

Q. Is that a printed form?—A. Yes, sir; a printed form. "Investigation of P. M. at Providence, R. I.," and then a letter inclosed in that states what it is.

Q. How many investigations have you made of General Brayton?—A. Only one.

By Mr. BECK:

Q. You had no power to summon anybody?—A. No, sir.

Q. No power to swear anybody?—A. I do not know that we had.

Q. That was your construction?—A. Yes, sir; I did not know of any authority we had for that.

Q. Did you have a shorthand reporter with you?—A. We did not.

Q. All statements made before you were returned to Washington?—A. Yes, sir.

Q. And are now with the papers accompanying your report there?—A. Yes, sir.

Q. How many men did you examine at the instance of Mr. Richardson and those associated with him?—A. I think the first list they gave us was seventeen, of which Mr. Clark directed the envelopes himself. We drew up a little call or invitation for those gentlemen to come before us. We gave them to Mr. Richardson as we wrote them. I think Mr. Richardson wrote some of them himself. We all sat down and wrote—we had no means of employing a clerk—we all sat down and

wrote them, and Mr. Richardson directed them himself and sent them out for us I think in almost all the cases.

Q. How many of those persons appeared?—A. I think six or seven; not more than that.

Q. Do you remember the names of those who appeared?—A. No, I do not.

Q. Their testimony was all sent on to Washington?—A. Yes, sir.

Q. What was the purport of their testimony on the subject of drinking, as far as you recollect it?—A. There was none of them that was positive about it, and a great many of them, one or two that we had called in there, stated that it was more hearsay than anything else; that they had never themselves seen Mr. Brayton intoxicated; that they had heard it said so. One man, a horse-car conductor, who made a statement that Mr. Brayton got out of the car intoxicated at home said—I recollect that in particular—that Mr. Brayton, when he got into the car late at night, sat with his head down and slept until he got to the corner, and spoke to him, and got up and did not walk very straight. Finally, he said he did not know but hundreds of other people who got out in that way, after riding in the horse-cars and sleeping half an hour, would not be very straight on their limbs. A shoemaker, whom we had there, said a paper was brought to him and he signed it and did not know anything about it, and never saw Mr. Brayton intoxicated.

Q. Were the statements thus made by those gentlemen submitted to Mr. Brayton for his examination?—A. Yes, sir; and *vice versa* all the papers we got from Mr. Brayton were submitted to Mr. Clark.

Q. What was the testimony on the other side? Of a negative character, I suppose, of course?—A. Yes, sir.

Q. Everything you took and everything you did is now in Washington and can be seen in your report?—A. Yes, sir.

Q. Were you examining Mr. Richardson at the same time?—A. Yes, sir; he was with Mr. Clark at the time.

Q. Did you examine into his case? Were there any charges against him as well as Mr. Brayton?—A. No, sir.

Q. Were there charges against Clark?—A. Yes, sir. I had nothing to do with that case; I do not know whether it was ever examined or not.

By Mr. WHYTE:

Q. Did you examine any persons in regard to the specific charges as to the specific times charged in the post-office—the times when these people charged that General Brayton was drunk at the post-office?—A. Yes, sir.

Q. Whom did you examine?—A. I think that no charges were preferred as to Mr. Brayton being intoxicated in the office except from Mr. Richardson and Mr. Clark. There were no others.

Q. But did you examine any witnesses to disprove the truth of those specific charges?—A. Yes, sir.

Q. Whom did you examine?—A. I think Mr. Kendall was examined. He did not come before us, but I talked with him about that.

Q. You did not examine him under oath?—A. No, sir; nobody under oath.

Q. It was a mere conversation with him?—A. Yes; it was with all of them. I do not know of any way I can start out and compel a man to answer me any questions under oath.

By Mr. BECK:

Q. And the report in Washington shows everything you know and all that was taken before you?—A. Yes, sir.

By Mr. ROLLINS :

Q. There were affidavits submitted by both parties, were there not ?
—A. Yes, sir.

Q. That is, some testimony was taken under oath practically ?—A. Yes, sir ; outside of us.

Q. And those affidavits are on file ?—A. Yes, sir.

By Mr. WHYTE :

Q. Did any of those affidavits refer to the distinct transaction in the post-office in regard to the women being in his room ?—A. I never heard that charge.

Q. Was there any affidavit in regard to his being intoxicated and having men in there drunk ?—A. Yes, sir ; one submitted by Mr. Clark and Mr. Richardson.

Q. I mean testimony disproving that. I want to know what witnesses swore that these statements made by them were not true ?—A. The statements were made by Mr. Kendall and——

Q. But that was not in the form of an affidavit ?—A. No, sir ; I think I have none of that kind.

Q. Then you had nobody under oath contradict the specific charges of these witnesses ?—A. Not in the post-office.

By the CHAIRMAN :

Q. Do you not know why the parties who were invited by you at the instance of Mr. Richardson and Mr. Clark did not appear before you ?

—A. I have no knowledge of that only Mr. Clark's own statement, that it would be impossible to get men to come before us unless they could be sworn.

Q. You had no difficulty in getting witnesses to testify for General Brayton ?—A. We had no difficulty in getting the very witnesses that Mr. Clark summoned. They were favorable to Mr. Brayton in very many cases.

Q. Always ?—A. In nearly every case, men who stated that they knew nothing personally themselves, that this petition was brought to them to be signed, and they signed it with a statement from those men that if they could get an investigation they could prove all the facts which they stated ; and some of those men signed it, they said, with that expectation, knowing nothing about it themselves.

By Mr. ROLLINS :

Q. What was the general tenor of the testimony or the statements which were made before your commission in regard to the general management of the post-office and the conduct of the postmaster at Providence ?—A. Good.

By Mr. WHYTE :

Q. You say in the close of your report, " We are satisfied that the charges made in the affidavits, that General Brayton is a common drunkard and inefficient as postmaster, are not proven." Then the charge was that he was a common drunkard ?—A. Yes, sir ; I stated that.

Q. That was the charge which you investigated, and you did not, I presume from this report, investigate occasions on which these gentlemen alleged that he had conducted himself in an improper manner ?—A. As far as we were able to, we did so, and investigated every point which we were asked to investigate by the petitioners. I do not know that we slighted them in the least ; we did not intend to.

By Mr. ROLLINS:

Q. You tried to do full justice to the case?—A. We tried as hard as we were able to.

By Mr. WHYTE:

Q. What is your district?—A. The New England States. I have been into almost all the New England States.

By the CHAIRMAN:

Q. How long have you been an agent?—A. Ten years.

NATHAN GOFF, Jr., sworn and examined.

By the CHAIRMAN:

Question. What position do you hold in the custom-house at Providence?—Answer. Deputy collector and cashier.

Q. How long have you occupied that position?—A. About nine years.

Q. Were you a soldier in the Union Army in the late war?—A. I was.

Q. How long?—A. I was mustered in on the 1st of June, 1861, and out on the 13th of June, 1867.

Q. Were you wounded?—A. I was.

Q. Badly wounded?—A. Quite severely. I was laid up four or five months, I think.

Q. When did General Shaw go out of the custom-house?—A. The 1st of February, 1879.

Q. Were you an applicant for his position?—A. I was recommended for his position.

Q. By whom?—A. By the importers of the city generally, provided there was a change made; not to affect his position.

Q. I understand you were recommended for the place in case of a vacancy?—A. In case a change was to be made.

Q. What was Major Joyce's reputation for ability and efficiency while he was in that office as a subordinate?—A. I always considered Major Joyce a very efficient officer from his duties with me, making his returns, &c.; remarkably correct in his calculations, figures, and returns.

Q. You regarded him as an efficient officer?—A. I did.

Q. Was General Shaw a soldier in the Union service?—A. He was.

Q. Did you regard him as an efficient collector?—A. I did.

Q. Did you not regard him as remarkably efficient?—A. I did.

Q. Who succeeded Major Joyce in the custom-house?—A. George Burroughs.

Q. Had he been a soldier?—A. I think not.

By Mr. WHYTE:

Q. Are you in the custom-house now?—A. I am.

By Mr. ROLLINS:

Q. Was Mr. Joyce regular in his attendance at the custom-house?—A. About as other officers were.

Q. Do you say he was regular?—A. I think he was.

Q. Did you ever have occasion to send for him?—A. Yes, sir.

Q. Is the present collector an efficient officer?—He is.

Q. Is Mr. Burroughs, who took Major Joyce's place, an efficient officer?—A. I think he is; I consider him so; a very intelligent man, a very

good penman, and formerly a bookkeeper. He has the ability to make a good officer in almost any position.

Q. A young man of ability?—A. I consider him so.

By Mr. WHYTE:

Q. Were there any objections that you know of to the reappointment of Mr. Shaw, or any reasons why he should not have been continued in the custom-house?—A. No, sir.

Q. He had been a remarkably efficient officer, had he not?—A. Yes, sir.

By the CHAIRMAN:

Q. You say this Mr. Burroughs who succeeded Major Joyce is an efficient officer. How did he acquire the knowledge of his duties?—A. He is an intelligent man. What duties do you refer to?

Q. What are his duties, first?—A. He is an inspector, weigher, gauger, and measurer.

Q. How did he acquire a knowledge of his duties as gauger?—A. He acquires them by visiting other officers while they are on their duty gauging, measuring, or whatever it may be, the same as all officers.

Q. How did he acquire the knowledge of the admeasurement of vessels, for instance?—A. He had a vessel to measure after Major Joyce left; Major Joyce used to measure the vessels; it became necessary to furnish somebody else, and Mr. Harris appointed Mr. Burroughs, and sent to Bristol for a gentleman to instruct him.

Q. Who is the gentleman in Bristol?—A. The deputy collector of the port of Bristol.

Q. What is his name?—A. Thomas J. Usher,

Q. Was he paid for that service?—A. He was.

Q. Out of the government funds?—A. Yes, sir.

Q. For the instructions that he gave Mr. Burroughs?—A. Yes, sir; he was paid for his services coming to Providence to instruct Mr. Burroughs.

Q. Not out of Mr. Burroughs' salary?—A. No, sir.

Q. Do you know whether of not your position as deputy collector was tendered to Major Pomroy?—A. I was so informed.

Q. Were there any candidates for the position you now hold, and by whom were they urged and recommended?—A. I knew of but one. There was one candidate put forth by the postmaster at Providence, Mr. Brayton.

Q. Who was he?—A. His name was Handy.

Q. Who was Handy?—A. He was a gentlemen in Rhode Island, a senator in the Rhode Island legislature.

Q. A politician?—A. A senator.

Q. He was recommended by General Brayton, the present postmaster?—A. I was so informed; and urged quite forcibly.

Q. By General Brayton?—A. Yes, sir.

By Mr. ROLLINS:

Q. Did I understand you to say that the position of deputy collector was tendered to Mr. Pomroy?—A. I was so informed.

Q. Who gave you the information?—A. Officers in the custom-house. At the time the appointment of collector was made, I was informed that my position was tendered to Mr. Pomroy.

Q. By whom?—A. I understood by the delegation at Washington. The parties who informed me said "they offered it to Pomroy," and I

supposed it was somebody in Washington. I did not know who else it could be.

Q. The collector nominates the deputy collector, does he not?—A. My renomination certainly would come from the collector. I mean to say that, when Mr. Harris was appointed collector, persons, officers in the custom-house, informed me that my head would go, for Mr. Pomroy had been offered my position as deputy collector.

Q. I ask you now who nominates the deputy collector?—A. The collector.

Q. Do you mean to say that Mr. Harris had tendered the office?—A. No, sir; Mr. Harris was not there. I did not know Mr. Harris at that time.

Q. The collector would be the only party who could really make a tender of the office?—A. Yes, sir; I never inquired about the matter; it was mere hearsay.

Q. The delegation in Congress did not make the appointment of deputy collector?—A. I never knew they could. I only say it was rumored in the custom-house that I would probably have to go, because that was the fact. I do not know that there was any truth in it.

Q. You did not go?—A. No, sir.

Q. That is pretty good evidence that there was not any arrangement of that kind?—A. Pretty good evidence that Mr. Harris preferred to retain me.

CYRUS HARRIS recalled.

By Mr. ROLLINS:

Question. Did you at any time tender the office of deputy collector to Mr. Pomroy?—Answer. I did not. I never heard that he was a candidate for it; I never heard anything about it before to-day. It is all news to me.

The CHAIRMAN. You did not do it, and I am very glad that you did not, as General Goff seems a very proper gentleman, and I hope you will keep him there.

The WITNESS. That is what I propose to do. I stated yesterday that I went in there unpledged to anybody.

HENRY A. GREENE recalled.

By the CHAIRMAN:

Question. You are recalled at your own request. What is it you wish to state?—Answer. I see by the newspapers it was stated that I said Mr. E. C. Ashley, deputy and clerk in the custom-house, was a politician. I do not recollect making the statement. If I did it was a mistake, because I never knew what Mr. Ashley's politics were.

Q. You simply desire to correct that misstatement of your testimony?—A. Yes, as a misstatement.

JOSEPH B. MANTON sworn and examined.

By the CHAIRMAN:

Question. Do you know of any interference by Federal officials with elections in Rhode Island? If so, state who the officials are who have taken an active part in them.—Answer. I know of one Federal official

who has been very active indeed interfering in the elections of Rhode Island.

Q. Who is that?—A. The appraiser of foreign merchandise, E. G. Burrows.

Q. Is he an appointee in the custom-house?—A. He is appraiser of foreign merchandise, I believe.

Q. Has he any other business outside of that?—A. I judge by the advertisements in the papers that he has a very large clothing business. I know that his place of business is on Westminster street.

Q. Do you know of any officials interfering in elections to defeat the regular nominees of the Republican party?—A. Mr. Burrows endeavored to defeat the election of General Burnside after he obtained the regular nomination. After the members of the legislature from Providence had obtained the regular nomination he endeavored to defeat them; was very active indeed; and also after Governor Lippitt obtained the regular Republican nomination for governor he was very active in trying to defeat him.

Q. Do you know Mr. Robert Purkis, a weigher in the custom-house?—A. I know of him.

Q. Do you know anything about his being interested in importations; and if so, in what manner is he interested?—A. Curtis, Bouvé & Co. used to import a great deal of iron into Providence from 1867 to 1873. I purchased iron of them all that time, and invariably when I purchased iron Mr. Curtis would give me an order on Mr. Purkis for its delivery. He informed me that he paid Mr. Purkis five cents a ton for all the iron he imported.

Q. Is he in the employment of the custom-house now?—A. He is.

Q. Do you know whether he is in the employment of those people in Boston?—A. No; they have stopped importations since 1873, I think.

Q. Was he at the time of his employment in the custom-house?—A. All the time.

Q. Mr. Burrows, you say, is a clothier. Do you know how much of his attention he gives to that business and how much to the custom-house?—A. I do not know, but I should judge from the time he devotes to politics that he cannot be very busily employed in the custom-house.

Q. Do you see him out a good deal attending to political matters?—A. I do. He was here at Newport in May trying to defeat the regular candidate for speaker, Henry J. Spooner. He was down here part of two days endeavoring to defeat him.

Q. Was any other Federal official engaged in that business that you know of?—A. Not that I know of.

By Mr. CHANDLER :

Q. Have you heard any reason assigned why General Shaw did not, while collector of customs, engage in politics?—A. Well, I never thought he had any. He was trying to serve two wings of the party to the best of his ability I suppose, looking one way and working another.

CHARLES R. BRAYTON was allowed to put in evidence the following statement of his military record: "Joined the Third Rhode Island Volunteers as first lieutenant, August 16, 1861; was promoted to captain, lieutenant-colonel, and brevet brigadier-general for gallant and meritorious services, and was mustered out by reason of expiration of term of service, October 5, 1864."

On motion, the committee adjourned to meet at the call of the chairman.

EXHIBIT A.

PAPERS IN THE CASE OF A. W. CLARK, ROUTE AGENT, PROVIDENCE
AND WORCESTER RAILROAD.*Report on Case No. 1575 C.*

[Division Mail Depredations, received January 17, 1878.]

OFFICE SPECIAL AGENT, POST-OFFICE DEPARTMENT,
Augusta, Me., January 14, 1878.

SIR: I have the honor to return herewith "Case No. 1575 C," with my report thereon. Immediately upon receiving the case from Special Agent Field, I visited Providence, R. I., and conferred with Postmaster Brayton and Route Agent Clark relative to the matters in controversy. At this visit I accomplished little more than to get at the points in dispute and make arrangements for the investigation.

It was agreed that the evidence submitted by either side should be in writing and as far as practicable in the form of affidavits. All testimony thus presented should be subjected to the inspection and answer of the opposite party. A day was also fixed when the investigation should commence.

At the appointed time Postmaster Brayton submitted affidavits in support of the charges which he had preferred against Clark; the same being herewith presented, in file marked "A."

Mr. Clark, however, declined to proceed with the investigation against Brayton unless I could in some way compel the attendance of witnesses. He claimed that the charges which he had made against Brayton were of such a nature that the proof to sustain them must, of necessity, come from Brayton's immediate friends and companions, or from the clerks who were in his employ at the post-office, neither of which could be expected to testify without some kind of a compulsory process.

I assured Mr. Clark that I would take any reasonable steps to obtain the facts relative to Mr. Brayton's habits, but that I had no power to organize a court of inquiry, and that I would not presume to exercise any authority that I did not possess. Thereupon Mr. Clark requested time to consult with friends and arrange matters in his own defense. I could not well deny this request, and accordingly gave him one week to determine what course to pursue, and to answer the affidavits presented by Brayton.

On the 13th day of December, I again visited Providence, and on this occasion Mr. Clark handed me a communication addressed to the Hon. D. M. Key, Postmaster-General, in which he declines to proceed further in the investigation against Brayton unless a commission could be sent to Providence clothed with power to send for persons and papers. (Said communication is herewith presented, marked "B.")

It will be seen from this preliminary statement of the case how I have been delayed in the investigation, and how the position taken by Mr. Clark left me the alternative of either assuming the entire responsibility of investigating Brayton or leaving that part of the case untouched, and confine my labors wholly to the investigation of the charges preferred against Clark.

Taking into consideration the fact that I had, since June 1, 1877, visited Providence no less than four times for the purpose of investigating similar charges against Brayton, made by E. R. Dawley, esq., "Case No. 771 C," but in every instance was met with the same plea as was now offered by Clark, I very soon came to the conclusion that I would investigate the charges against Clark now, and leave those against Brayton for the consideration of the department. The evidence, therefore, which is herewith presented in files marked A, C, and D relate wholly to the case of Clark. Should you take the trouble to examine the eighty-six affidavits and statements presented, you will find much that has no bearing upon the case and much that bears evidence of personal prejudice and enmity.

The original charges against A. W. Clark, route agent on the Providence and Worcester Railroad, may be stated as follows:

1. That said Clark, prior to Postmaster Brayton's letter of complaint, neglected to accompany the mails from the Providence post-office to the station of the Providence and Worcester Railroad, in violation of section 21, page 9, of the "Instructions to Route Agents," issued June 1, 1875.

2. That said Clark made a practice, when on duty, of trafficking in fruits and other merchandise, to the great neglect of his duties as route agent, and in violation of section 33, page 13 (Instructions to Route Agents, June 1, 1875).

I find from the evidence that Clark has been in the habit for a long time of going to the Providence post-office from 1½ to 1¾ hours before his train left, and, without waiting for the mail-wagon, has taken the letter and registered mails belonging to his route and carried the same to his car. He claims to have done this for the purpose of

gaining time for the distribution of mail matter, and that had he waited at the post-office for the departure of the mail-wagon he would not have had time to distribute the mail for the nearest stations upon his run. Be that as it may, it is in evidence and admitted by Clark that he did not always accompany the mails from the post-office to the station, and thereby committed a technical wrong. Yet there is no evidence that the service suffered from loss or delay in consequence. The instance in which Clark left three registered packages is not a point of question, for there is nothing to show that Clark did not accompany the mails that morning, nor is it clear to my mind that the delay of these packages was any more the fault of Clark than the post-office clerk who was left in charge of the same.

In regard to the second charge against Clark, I find that Clark has for a long time been engaged in the traffic of fruit in connection with his duties as route agent. Clark does not deny this fact, but claims to have carried on the business with no profit to himself and always when off duty. I find, however, from the statement of Messrs. Clapp & King, fruit dealers, at Providence, Rhode Island (see file "A"), that Clark purchased of them bills of goods (fruits, &c.) on twenty different days, between May 11, 1877, and September 1, 1877, and nearly always between 6 a. m. and 7.30 a. m., amounting to \$202.55. A comparison of the dates on this bill and the record of arrivals and departures in Providence post-office (a copy of record herewith presented in file "A"), will show that Clark was on duty when these goods were purchased. As he never left the post-office later than 6 a. m., it follows that he must have been on duty and in possession of the letter and registered mails when these purchases were made. Whether he stopped at the store on the way from the post-office to the station or first went to the car and left his mail and subsequently returned to the store is not at all essential; for in either case he must have exposed both the letter and registered mail belonging to his route. It is also in evidence (see affidavit of Archie Kennedy, assistant mail messenger between post-office and the railroad stations in Providence, file A) that on one occasion, about the 1st of September last, between 6 and 7 a. m., when Clark was on duty, Kennedy came to the Providence and Worcester Railroad station with the mails for Clark's route, and found the mail car locked and Clark nowhere to be found. Being obliged to supply other routes with mails which left nearly at the same hour, he was under the necessity of leaving the mails for Clark's route upon the platform of the car. Kennedy subsequently stated to me in the presence of Clark that on the occasion above named, while he was leaving the station he saw Clark coming towards the station upon a load of watermelons.

Whether Clark used the mail compartment in the car for the transportation of his merchandise, there is a conflict of testimony. Walter L. Gates, general freight agent on the Providence and Worcester Railroad, testifies that he saw crates of berries in the mail compartment of Clark's car, and saw him deliver the same at the different stations upon his route, and also George E. Bray, baggage-master on Clark's train, testifies to substantially the same facts, while the express-messenger on the same train states that he is positive that Clark never carried merchandise in his mail compartment, but that the express compartment on the same car was sometimes so crowded that the express matter was frequently placed by him upon the walk in front of the mail compartment. I am not therefore prepared to express an opinion upon this point.

It is to me very clear, however, from the evidence presented, that Clark has violated section 38 of the instructions to route agents, June 1, 1875, and also section 20 of the instructions to the "railway mail service" August 8, 1877, both in letter and spirit.

I return to the original charges and the first point in the controversy between Postmaster Brayton and Route-Agent Clark. A sack of papers designed for the Boston and Providence Railroad was accidentally put into the mail-car upon the Providence and Worcester Railroad, and not being discovered in season to rectify the error before leaving Providence, Clark took the first opportunity (very properly) to send the sack upon the Boston and Providence Railroad, and, as was his duty, reported the error to Thomas P. Cheney, superintendent of the railway mail service for the division.

I find that the error should be charged to the Providence post-office, for up to the 17th of September, according to the statement of B. C. Salisbury, mail-clerk in the Providence post-office (see file C), sacks of papers were sent from the Providence post-office to the Providence and Worcester Railroad and Boston and Providence Railroad by the same wagon, and were seldom tagged.

I come now to speak of the conduct and bearing of Route Agent Clark toward Postmaster Brayton during this investigation. After my second visit to Providence, and while the investigation was still in progress, my attention was called to an article which appeared in the Worcester Daily Press on the morning of November 26 (a copy of which I attach to the margin of this sheet). The article was a libel against C. E. Brayton, the postmaster at Providence, and appeared over the official signature of A. W. Clark. It was evidently intended to prejudice the public mind against Brayton and in favor of the writer in the pending investigation. Upon my return to Providence, I called Mr. Clark's attention to the article and asked him if he was the author of it. He said he was. I asked him why he should publish such an article during the

investigation. His answer was that he wished to call public attention to the investigation then going on, with a hope that Brayton's political enemies might come forward and aid him in proving Brayton a drunkard and a political knave. Besides the above, Clark has taken every opportunity, in the post-office and out of it, to berate and scandalize Brayton.

I cannot characterize these proceedings in language too severe. Whatever Postmaster Brayton may have been, or however much Clark may have suffered at his hands, there can be no excuse for bringing the whole service into disrepute through the columns of the press, or for using language concerning a superior officer that would disgrace a bar-room.

In consideration of all the facts herein set forth, and the additional fact that the relations between Brayton and Clark must in the future be so inharmonious as to work great injury to the service should both be allowed to remain therein, I feel compelled to recommend that A. W. Clark be dismissed from the service.

Very respectfully, your obedient servant,

W. H. BIGELOW,
Special Agent Post-Office Department.

Col. D. B. PARKER,
Chief Special Agent Post-Office Department.

[The article which appeared in the Worcester Daily Press, referred to above, is as follows:]

PROVIDENCE AND WORCESTER RAILWAY POST-OFFICE.
November 26, 1877.

To the Editor of the Worcester Press:

SIR: As citizens of Providence, R. I., now stopping in Worcester may be aware that special agents of the Post-Office Department are now in that city inspecting the working of the post-office, it may be of interest for them to know that other special agents of the Post-Office Department are also there to investigate the charges made by me to the Postmaster-General, that "Charles R. Brayton, postmaster at Providence, was in the habit of appearing in the post-office under the influence of liquor," and that he "knowingly did employ clerks in the post-office that were habitual drunkards and placed them in charge of the entire out-going letter and registered-letter mail, who frequently would be on duty too much intoxicated to properly prepare the mail for closing at the regular hour, when it would remain in the office and be delayed." Parties feeling interested in the matter may rest assured that the above charges will be fully substantiated.

Very respectfully,

A. W. CLARK,
Mail Route Agent from Providence to Worcester.

Report of failures to receive or deliver mails on Prov. & Worc. Line, Sept. 17, 1877.

Train moving No., leaving Prov. at 7.20 a. m.

Post offices.

| "Not received" or "not delivered" and cause.
O. K.

Rec'd a sack of papers from Prov. off., intended for P. & Bos. ag't. Forw'd'd same to Boston via Waterford.

A. W. CLARK,
Ag't.

OFFICE OF THE SUPERINTENDENT
RAILWAY MAIL SERVICE, FIRST DIVISION,
Boston, September 18, 1877.

Respectfully referred to postmaster at Providence, R. I.
Please explain the cause of this and return papers.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
STAHL.

POST OFFICE, PROVIDENCE, R. I.,
September 19, 1877.

Respectfully returned, with the information that the statement of Route Agent Clark, that he received a sack of papers from Providence office intended for Providence and Boston agent, is false. The mails left this office correctly labeled and in ample time for Route Agent Clark, to have examined them, and were probably mixed at depot by the messenger. Had Route Agent Clark examined his mails before departure the error would have been discovered and remedied by his leaving the sack so we could send out the matter by the midday mails, or had he accompanied his mails from the office to the depot no delay would have been had even though the messenger erred.

It is not expected at this office that route agents who are engaged in the fruit business will have time to attend to the duties for which they are employed and paid by the Post Office Department, and I now report Route Agent Clark for constant failure to accompany his mails from office to depot, as required by your letter of February 15, 1876, that is plainly pasted on the route agent's bulletin board, and for engaging in outside business on his train, to the manifest injury of the postal service, as fully appears from his own neglect in case he reports.

C. R. BRAYTON,
Postmaster.

SUPERINTENDENT RAILWAY
MAIL SERVICE, FIRST DIVISION,
Boston, September 19, 1877.

Respectfully referred to A. W. Clark, esq., route agent, who will please explain fully and return all papers.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
STAHL.

PROVIDENCE AND WORCESTER RAILROAD,
September 26, 1877.

Respectfully forwarded with the "explanation," showing that the statement of Postmaster Brayton is false in every particular. In the first place, he says that the mail "left the post-office correctly labeled," &c. That statement is false, as this sack was never tagged or labeled until this error occurred. This sack and a sack of papers for this route had, up to the time of the report, been forwarded from the post-office unlabeled, and this was the sole cause of the delay. Postmaster Brayton says "the error could have been remedied by leaving the mail to be sent out at mid-day"; not so, as it reached Boston long before it would have left Providence by being forwarded as it was. Postmaster Brayton reports "had I accompanied the mails from the office to the depot there would have been no delay." It would have happened just the same, as I should have seen nothing irregular by seeing one or two sacks in my "pile" unlabeled.

In regard to Postmaster Brayton's charges against me, I omitted to accompany the mails from post-office to depot at a time when an habitual drunkard was employed to distribute the paper-mail, and who would come to the office so late and so beastly intoxicated that he was unable to distribute the mail in time for the usual hour of closing. Seeing that I should not have time to assort my mail if I waited for this drunken clerk to close the mails, I took the entire letter-mail and carried it to the depot. Since that time I have made a practice of being at the office at the time the letter-mail was ready, when I would take it to my car that I might gain time for distribution, and not wait for the paper-mail, which was never closed with any regularity. To accommodate this drunken clerk, the postmaster discontinued making up mails in the office for the three nearest offices on this route, Central Falls (do not stop), Valley Falls, and Lonsdale. The practice of making up these mails was considered necessary, even when we had twenty minutes more time to assort, and the mails were not as heavy. I will here state that it is very seldom we "get at the sack" matter until after we leave the city, and frequently not until after we have passed the first offices; and since the making up of the mails for the above named offices has been discontinued, and the mail put into sacks, daily papers for Central Falls have been carried by and delayed for want of time to distribute. In regard to my being in the "fruit business," what little I have done at that has been done while off duty, and not during the time belonging to the Post-Office Department, as the postmaster knows well enough. "And I now report" that Postmaster Brayton has knowingly employed a clerk to put up the entire morning letter-mail who made a practice of coming to the office an hour late three mornings out of six, and so intoxicated that he was frequently unable to "tie

out" what mixed up mail he had managed to get into the case. At such times the agents would "tie out" what mail should be forwarded over their routes, and take it in person to the car. On one, and I am quite positive two occasions, this clerk was so beastly intoxicated that he could not find his key to the drawer containing the registered matter, and the agents were obliged to go out without it. These occasions were so frequent (his being late and intoxicated), and the letter-mail being so generally mixed up, that as far as practicable I would look through the packages made up for this route, and often finding letters for two or three different post-offices tied together as one office. I wish to be understood in this, that Postmaster Brayton was well aware how matters stood, he oftentimes trying to help him (the intoxicated clerk) out by helping distribute his mail.

Very respectfully,

A. W. CLARK, *Route Agent.*

POST OFFICE,
Providence, R. I., October 9th, 1877.

THOS. P. CHENEY, ESQ.,
Superintendent Railway-Mail Service, First Division :

SIR: Mr. Aaron W. Clark, route agent on the Providence and Worcester Railroad, this a. m. failed to accompany his mails from the office to the depot, and neglected to take three registered letters, duly entered for his signature, and in the place where he has always taken them, and did one this a. m.

The fact that most of his time at the office was consumed in gossiping about the postmaster may, in some measure, account for his neglect to perform his official duties.

C. R. BRAYTON, P. M.

OFFICE OF THE SUPERINTENDENT RAILWAY-MAIL SERVICE,
FIRST DIVISION,
Boston, October 9th, 1877.

Respectfully referred to A. W. Clark, esq., route agent Worcester and Providence, for explanation and return of papers.

THOS. P. CHENEY,
Superintendent Railway-Mail Service,
By R. A. HOLMES, C. C.

Appointment Office, Post-office Department, October 17, 1877. } PROVIDENCE AND WORCESTER RAILROAD,
October 10, 1877.

THOMAS P. CHENEY, ESQ.,
Superintendent Railway-Mail Service :

SIR: I respectfully return these papers with an explanation, endeavoring to show that the good of the service and the public generally, and to comply with all instructions of the Post-Office Department, has always been my aim. Since things have become irregular at the post-office (and every one "behind the scenes" has been well aware of this irregularity), I have made it a practice to go to the post-office early, and as soon as closed take my entire letter-mail, and back it to my car and distribute it, which would give me time to distribute the paper-mail without carrying any by. Since the time the postmaster became personally antagonistic to me I have, after distributing my letter-mail at the car, returned to the post-office, and have daily helped the carrier (driver) load the entire mail for three routes, and then "accompany him to the depot." I wish here to state that while I was doing this, and the eyes of the spies of the postmaster were upon me, not one of the other agents accompanied the mails to the depot, neither were they reported by the postmaster, who is ever ready to carry out instructions when, truthfully or falsely, he can report against one who has "crossed his path" by simply obeying instructions, and making a report on a sack of paper that did not reflect on his office in the least.

Yesterday morning, the morning in question, I was at the post-office just half an hour before the mails were ready for the depot, signed the registry book, signed for one package registered letters, took the entire letter-mail, and went to my car, not being in the post-office over three minutes, which gave me but little time to "gossip about the postmaster." Just before the usual time for the driver to be ready to start I left the car and started for the post-office, and as I was going in the front way the driver came round the corner from the rear of the post-office, when I got on and accompanied my mail to the depot as usual. See enclosed statement of driver, and erasure by himself, on Postmaster Brayton's statement. You will see that there was no inclination on my part to disobey instructions, as I had been at work in my car some twenty minutes, and went back to the post-office to carry out instructions, but the carrier was ahead of his usual time. In regard to the registered letters, it is my opinion that that

was a "put up" affair, as registered letters for me have always heretofore been tied in one package instead of two. It has been the custom of the clerk to tie together registered letters for each agent until this morning, the 9th.

I would most respectfully call your attention to the fact that the postmaster does not make these reports for the sake of duty, but because of personal feelings towards me. As a proof, see if his spies or himself will report to your office the fact that I was the only agent that accompanied the mail from the post-office to depot this morning, October 10. And I wish to here state that some of his favorite agents have never accompanied their mails to the depot.

I now make the charge that Chas. R. Brayton is a common drunkard, and that he is in the habit of being in the office "full" of beer or something else intoxicating. While in this condition he has repeatedly asked me to go out and get "something to drink"; and not one week before he complained about my not riding with the mails, &c., did he call me "a hell of a man," because I would not go out and "take a glass of ale" with him. This is what "manner of man" that is making these exaggerated statements and laying traps for route agents. I will further state that Postmaster Brayton "neglected his duty" several weeks during the summer and left his post-office business in the hands of drunken clerks, who were too much intoxicated to distribute and tie up the letter-mail, too much so to distribute the paper-mail, and one in charge of the registered letters too beastly intoxicated to "find his key" to the drawer containing the letters. In such cases the agents were obliged to leave them behind. I also make the statement that the clerks in Providence post-offices are entirely "under the thumb" of the postmaster, and would not dare to "see him intoxicated." While in this condition, at one particular time, he openly ridiculed the idea of "Cheney trying to run his office."

Trusting you will see the true state of things, I am,

Very respectfully,

A. W. CLARK, *Route Agent.*

I hereby bear witness that Route Agent Clark did ride on mail wagon from front side of post-office to the depot on the morning of the 9th Oct.

ARCHIE KENNEDY,
Driver Mail Wagon.

OCTOBER 10.

Appointment Office, Post-Office Department, October 12, 1877. }

PROVIDENCE, R. I., October 11th, 1877.

To the honorable D. M. KEY,

Postmaster General, Washington, D. C. :

SIR: As we are instructed to report all "irregularities" of the Post-Office Department, I consider it my duty to call your attention to the fact that Chas. R. Brayton, postmaster at Providence, R. I., is in the habit of appearing in his office in a state of intoxication, and is in the habit of inviting route agents and others out to "get something to drink"; that he has knowingly employed clerks in the office that were habitual drunkards; that a clerk was employed by him to make up the outgoing letter-mail who habitually came to the office too late and too much intoxicated to properly make up the mail, when he would ask the route agents to help him tie up his letter packages; that a clerk was employed to distribute the outgoing paper-mail who on several occasions came to the office so much intoxicated that he was unable to distribute the mail in time for the regular trains; that a clerk had been employed to take charge of the registered letters, &c., who on two occasions was so intoxicated that he was unable to prepare them for the agents to take and sign for, and they were left over and delayed; that the postmaster was knowing to this state of things, he often trying to help distribute, &c.

All of which is most respectfully submitted.

Very respectfully,

A. W. CLARK,
Route Agent, Providence to Worcester.

[Indorsements.]

771 C.

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, October 12, 1877.

Respectfully referred to D. B. Parker, esq., chief special agent Post-Office Department, for an early investigation.

JAMES H. MARR,
For First Assistant Postmaster-General.

Case No. 771 C.

POST-OFFICE DEPARTMENT,
OFFICE OF CHIEF SPECIAL AGENT,
Washington, D. C., October 24, 1877.

Respectfully referred to Special Agent W. H. Bigelow, in connection with case 771 C, forwarded May 29, 1877.

DAVID B. PARKER,
Chief Special Agent.

OFFICE OF THE SUPERINTENDENT RAILWAY-MAIL SERVICE,
FIRST DIVISION,
Boston, October 12, 1877.

Respectfully forwarded to A. W. Clark, esq., route agent Worcester and Providence, for a statement in regard to the charge of Postmaster Brayton that he engages in the fruit or other outside business.

Return all papers.

THOS. P. CHENEY,
Superintendent Railway-Mail Service.

Appointment Office, Post-Office } PROVIDENCE AND WORCESTER RAILROAD,
Department, October 17, 1877. } *October 13, 1877.*
THOMAS P. CHENEY, Esq.,
Superintendent Railway-Mail Service :

SIR : Respectfully returned, with the statement that I have never engaged in any outside business while on duty. As I understood the old instructions to route agents, they were instructed not to engage in any outside business while on duty, and I was strengthened in this belief when I was informed that Postal Clerk Hugh Daily, a personal friend and associate of Postmaster-General Jewell, put out a sign in New Haven, Conn., advertising to do "outside business" for "profit and emolument." What Postmaster Brayton has reference to is probably this : I have relatives and friends in Worcester who would occasionally ask me to order for them in Providence a case or basket of fruit, as the case might be, which I would do when off duty, but never have I engaged in this "for profit or emolument." Neither have I engaged in any other outside business ; and in this there was no "profit" to me, I simply leaving orders to accommodate my friends, and since we have received the new orders from the department have not even done this. Trusting you will consider the spirit in which these charges are made,

I am, very respectfully, your obedient servant,

A. W. CLARK,
Route Agent.

PROVIDENCE (R. I.) POST-OFFICE,
OFFICE OF THE SUPERINTENDENT RAILWAY-MAIL SERVICE,
FIRST DIVISION,
Boston, October 15, 1877

Respectfully referred to Theo. N. Vail, esq., general superintendent railway-mail service, Washington, D. C., with recommendation that this case be investigated by a special agent of the Post-Office Department.

THOS. P. CHENEY,
Superintendent Railway-Mail Service,
By D. A. HOLMES, C. C.

POST-OFFICE DEPARTMENT,
OFFICE OF THE GENERAL SUPERINTENDENT OF
RAILWAY-MAIL SERVICE,
Washington, October 16, 1877.

Respectfully referred to Hon. Jas. N. Tyner, First Assistant Postmaster-General, inviting attention to indorsement of Superintendent Cheney of the 15th instant.

THEO. N. VAIL,
General Superintendent.

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, October 17, 1877.

Respectfully referred to D. P. Parker, esq., chief special agent of the Post-Office, with request that he will have the matter investigated and report the result to this office.

JAMES H. MARR,
For First Assistant Postmaster-General.

POST-OFFICE DEPARTMENT,
DIVISION OF MAIL DEPREDACTIONS.
OFFICE OF CHIEF SPECIAL AGENT,
Washington, D. C., October 24, 1877.

CHARLES FIELD, Esq.,
Special Agent Post-Office Department, Boston, Mass.:

SIR: Please transfer to Special Agent W. A. Bigelow case No. 1575 C, forwarded to you 17th instant, as other papers in the case were referred to him for investigation May 29, 1877. Please report date of transfer.

Very respectfully,

DAVID B. PARKER,
Chief Special Agent.

Sent to Bigelow October 26.

OFFICE OF THE SPECIAL AGENT POST-OFFICE DEPARTMENT,
Boston, Mass., October 26, 1877.

SIR: Inclosed find case No. 1575, and papers relating thereto, which are transferred to you this day by order of the department.

Very respectfully,

CHARLES FIELD,
Special Agent Post-Office Department.

WM. H. BIGELOW,
Special Agent Post-Office Department, Augusta, Me.

Letter of Brayton to P. M.—Subject, Clark shirks duty, &c.—Letter from P. M. Brayton stating a malicious falsehood, &c.—A. W. C.

POST OFFICE,
(C. R. BRAYTON, P. M.)
Providence, R. I., Oct. 18, 1877

POSTMASTER:

SIR: Your failure to receive your New York and southern letter-mail as usual yesterday a. m. was occasioned by the persistent refusal of the New York post-office to comply with a reasonable request as to the time and method of its dispatch from New York City.

The failure of another portion of your letter-mail was due to the discontinuance of a direct pouch to the Providence and Worcester agent, understood to have been withdrawn at the instance of Mr. Aaron W. Clark, route agent, manifestly with saving of labor to himself, but causing failure of your letter-mail twice within seven days. The fact that papers sacked, as requested, reached you safely and promptly, proves that letters similarly pouched would have also reached you without delay. My only object in reporting these facts is to place the responsibility for this unnecessary delay of your mail matter precisely where it belongs.

Respectfully, yours,

C. R. BRAYTON,
Postmaster.

CASE 1575 C.

A.—Affidavits from C. R. Brayton, esq., presented in proof of charges against A. W. Clark, route agent on the Providence and Worcester Railroad, Providence, R. I.

No. 1.

1. George E. Bray, of Valley Falls, in the town of Cumberland, county of Providence and State of Rhode Island, being duly sworn, on his oath saith: That he is, and for six years last past has been, baggage-master on the Providence and Worcester Railroad, on train leaving Providence, R. I., at 7.20 a. m.; that he is well acquainted with one Aaron W. Clark, the regular route agent on that train; that he has frequently seen said Clark on the platform during the summer just passed, between the hours of 6 and 7.20 a. m., superintend the receipt of strawberries, peaches, and melons, and assist in loading them on the trucks and affixing to the different packages tags or labels for his customers up the road; that on arrival at stations where he had customers he as-

perintended the delivery of said packages; that he has seen said Clark during the past summer deliver such packages at Woonsocket, Whitin's, Uxbridge, Worcester, and at other stations not now recalled.

2. That said Clark has told him, the said Bray, during the last summer, that he purchased in Providence, R. I., such fruit as his customers required that he was unable to supply from Manville.

3. That he has frequently, during last summer, seen said Clark on the trips between Providence and Worcester and Worcester and Providence leave his mail compartment and go into the express department and into the baggage department and place United States mail-locks on peach barrels and superintend the delivery of said packages of fruit therefrom; that at least once during the summer last passed, while said Clark was on duty and on his trip between Providence and Worcester, he has seen him leave his compartment unlocked while he transacted his fruit business in the express department.

4. That he has seen as many as four strawberry crates in said Clark's mail compartment, during the last summer, while said Clark was on duty therein.

5. That said Clark, during the last summer, has received large quantities of fruit at Manville, R. I., leaving his mail compartment and going to the platform of the depot and assisting in loading the same, which said packages he subsequently superintended the delivery of to customers at different stations on his run; that it is well known that said Clark has carried on the fruit business, not only during the last summer, but in years previous.

GEORGE E. BRAY.

In Providence, in said county and State, sworn and subscribed before me this twenty-eighth day of November, 1877, and I certify that the above affiant, after having the above declaration read over and explained to him by me, declared the same to be his free and voluntary act and deed, and that he did not wish to retract the same.

[SEAL.]

CLINTON D. SELLEW,

Notary Public.

(Indorsement :) Affidavit of George E. Bray, baggage-master for seven years on train with Route-Agent Clark: 1st. That he has seen Route-Agent Clark handle fruit at Providence and other stations when on duty. 2d. Frequently seen Route-Agent Clark leave his mail compartment and place United States mail-locks on peach barrels when on duty. 3d. Seen Route-Agent Clark leave his mail compartment unlocked while he attended the delivery of fruit in the express department. 4th. Seen crates of berries in Route-Agent Clark's mail compartment while he was on duty therein. 5th. Seen him leave his mail compartment at Manville and assist in loading fruit on the platform.

No. 5.

F. A. Bowen, of Providence, in the county of Providence and State of Rhode Island being duly sworn, on his oath saith:

That he is and for several years last past has been mail messenger between the Providence, R. I., post-office and the Providence and Worcester depot, in said city; that he is well acquainted with Aaron W. Clark, route agent on the Providence and Worcester Railroad; that during the last summer said Clark has frequently failed to accompany his mails from the office to the depot. That he makes this declaration without fear, favor, prejudice, or the hope of reward.

F. A. BOWEN.

In Providence, in said county and State, sworn and subscribed before me this 7th day of December, 1877, and I certify that the above declaration was carefully read over and explained to said affiant by me before swearing, when he declared the same to be his free and voluntary act and deed, and that he did not wish to retract the same.

[SEAL.]

CLINTON D. SELLEW,

Notary Public.

(Indorsement :) Affidavit of F. A. Bowen, mail messenger, as to failure of Clark to accompany mails from office to the depot.

No. 6.

Frank Benchley, of Providence, in the county of Providence and State of Rhode Island, being duly sworn, on his oath saith:

That during the past summer he has been employed by F. A. Bowen, mail messenger at Providence, R. I., post-office, to assist in the transportation of the mails between the post-office and Providence and Worcester depot, in said city.

1. That he is well acquainted with one Aaron W. Clark, route agent on the Providence & Worcester Railroad; that frequently during the last summer said Clarke has failed to accompany his mails from the post-office to the depot.

2. That at least once during the summer last past, between the hours of 6 and 7.20 a. m., he has been obliged to leave said Clark's mails outside the door of his (said Clark's) mail compartment, by reason of said Clark's failure to be present to receive the same. That he makes this declaration without fear, favor, prejudice, or the hope of reward.

FRANK BENCHLEY.

In Providence, in said county and State, sworn and subscribed before me this 7th day of December, 1877, and I certify that the above declaration was carefully read over and explained to said affiant by me before swearing, when he declared the same to be his free and voluntary act and deed, and that he did not wish to retract the same.

[SEAL.]

CLINTON D. SELLEW,
Notary Public.

(Indorsement:) Affidavit of Frank Benchley, assistant to mail messenger: 1st. As to Clark's failure to accompany his mails; 2d. As to failure to find Clark to deliver mails to him at car between 6 and 7.20 a. m.

B.—A communication from A. W. Clark, route agent P. & W. R. R., Providence, R. I., addressed to the Hon. D. M. Key, Postmaster-General, declining to proceed further with the investigation of charges against C. R. Brayton, P. M., Providence, R. I.

PROVIDENCE, R. I., Dec. 13, 1877.

Hon. D. M. KEY,
Postmaster-General:

ESTEEMED SIR: I beg to inform you that Mr. W. H. Bigelow, special agent of the Post-Office Department, is at present in this city, to investigate the charges against Charles R. Brayton, postmaster of this city, to wit: "That he is a common drunkard, and employs clerks in his office who are frequently intoxicated while on duty." I beg to submit the fact that this investigation cannot be conducted in a thorough or satisfactory manner, because Mr. W. H. Bigelow has no power to compel the attendance of witnesses or administer oaths, and on this account there are many witnesses whom we cannot reach, and others will not voluntarily testify, because they are boon companions of the postmaster, who participate in his debaucheries and partake of his hospitality. Another class of witnesses are clerks and employes of the post-office, who will not testify for fear of being discharged the service. You will readily see that under these circumstances an attempted investigation will be little more than a farce. In order to substantiate fully and thoroughly the charges made, myself and friends have decided to petition Congress to appoint a committee from the House of Representatives, empowered to administer oaths and compel the attendance of witnesses, to come to this city and investigate the conduct and habits of said postmaster.

Hoping that the above statement of the situation will convince you that we have good reasons for requesting a postponement of this investigation, which is done with the approval of Special Agent Bigelow, I have the honor to be,

Very respectfully, your obedient servant,

A. W. CLARK,
Mail Route Agent, Providence, R. I.

C.—Affidavits from A. W. Clark, esq., presented to disprove the charges against him which were preferred by C. R. Brayton, esq., postmaster Providence, R. I.

No. 1.—*Statement of E. O. Carr, clerk in the Providence post-office, showing said post-office to be a "grocery store."*

[See Carr's affidavit on back of this.—C. R. B.]

Statement by E. O. Carr, a clerk in Providence post-office.

Question. According to your best knowledge, have route agents, generally running into Providence, been in the habit of indulging in outside traffic?

Answer. They have.

Q. Have certain route agents made it a practice to bring into the post-office and sell to the clerks butter, eggs, and berries?

A. They have.

Q. Can you recall an instance where Route-Agent A. W. Clark ever sold an article in the Providence post-office?

A. I cannot.

EDWARD O. CARR.

Subscribed and sworn to before me, at Providence, this 19th day of December, 1877.
Providence, R. I., December 19, 1877.

G. B. BARROWS,
Notary Public.

Edward O. Carr, subscriber to the within affidavit, being duly sworn, on his oath says, that the indorsement on the within—that his statement “showing said Providence post-office to be a grocery store”—was made without his, Carr’s, consent, and is not warranted by the facts, and in his, said Carr’s, opinion and belief Postmaster Brayton was not cognizant of facts stated therein.

EDWARD O. CARR.

In Providence, in said county and State, sworn and subscribed to before me this 21st day of December, 1877.

CLINTON D. SELLEW,
Notary Public.

PROVIDENCE, R. I., January 7, 1878.

Perhaps the postmaster at Providence thinks the term “produce store” more applicable for a place where butter, eggs, fruit, &c., is bought and sold. But the name does not change the fact that he allowed this “barter” to be carried on in the post-office.

A. W. CLARK, *Route Agent.*

No. 1^a.

James Kendall, of Providence, in the county of Providence and State of Rhode Island, being duly sworn, on his oath saith: That he is and for thirty years past has been connected with the express department, and has been employed on the Providence and Worcester Railroad as express messenger during the past twenty-eight years, and on the morning mail train, now leaving Providence at 7.20 a. m., on which Aaron W. Clark has charge of the mail department as mail route agent; that he is well acquainted with said Aaron W. Clark, and that he has made it his business to see that said Aaron W. Clark did not transport packages or “crates of fruit in his mail apartment”; that to allow said Aaron W. Clark to do this would be a neglect of his duty, as he is particularly instructed to see that others on the train do not engage in the express business; that there have been times when the door of his express room being entirely filled with crates of fruit, parties not understanding would place in the door of the mail apartment crates of fruit, which he, said express messenger, always found in the gangway, placed there by said Aaron W. Clark, he having passed them through his room, he having no other connection with them whatever.

That said Aaron W. Clark has never shipped packages of fruit or merchandise of any kind on his train in his own name, such packages, if any, being forwarded in accordance with request or order; that no package of fruit or article of merchandise of any kind with which he had any connection with were ever put out at “Woonsocket” or “Whitinsville”; that he never was “assisted by said Aaron W. Clark in putting out packages of fruit or other merchandise.” Finally, that said Aaron W. Clark has never, to his best knowledge, helped to put on board the train any article of merchandise whatever while on the route; that there is one particular pattern of locks used on peach barrels that very much resemble the mail lock used by the United States, and which thieves cannot unlock with an ordinary key; that he has repeatedly detected George E. Bray, baggage-master on the train, in the act of taking fruit from barrels and crates when it required a key to enter them.

JAMES KENDALL.

WORCESTER, ss., Dec. 15, 1877.

Subscribed and sworn to before me.

HENRY B. WILDER,
Justice of the Peace

(Indorsement.—No. 1^a.) James Kendall. Rebuttal to George E. Bray. Affidavit No. 1, showing that he is a liar and a thief, and that his affidavit is not valid.

[Although this man declines to answer three simple questions, he admitted to me that he had received pay from Aaron W. Clark, route agent, for the transportation of fruit, and his affidavit only proves what he did not see and what he did not know, rather than what he did.

C. R. B.]

C. R. Brayton, P. M.]

POST-OFFICE, *Providence, R. I., Dec. 28th, 1877.*

GEORGE B. EARLE, Esq.,

President Earle and Prew Express Company :

DEAR SIR: I regret that your reply seems to convey the impression that you misunderstand my inquiry. I have therefore prepared some questions on back of this sheet which I will be obliged if you will have Mr. Kendall, your messenger, answer.

To be of service, I should have this by to-morrow a. m.

Respectfully yours,

C. R. BRAYTON,
Postmaster.

P. S.—It will take Mr. Kendall but a moment to answer these three questions. Please have answers in his handwriting, and then have him sign at bottom.

C. R. B.

Questions put to James Kendall, express messenger, Providence and Worcester Railroad.

Question 1. Did or did not Aaron W. Clark prepare the statement you swore to at Worcester, Mass., about December 15, 1867.

Answer. _____.

Question 2. Have you or have you not, during the summer of 1877, received pay from Aaron W. Clark for the transportation of fruit?

Answer. _____.

Question 3. Has or has not Aaron W. Clark, during the summer of 1877, given you directions as to the disposition of fruit forwarded by your express?

Answer. _____.

True answers to above.

[Note in pencil: Please sign }
your name here—"C. R. B."]

Ex. Messenger P. & W. R. R.

OFFICE OF EARLE & PREW,
GENERAL EXPRESS FORWARDERS,
Providence, December 29, 1877.

C. R. BRAYTON, Esq.,

Postmaster :

DEAR SIR: Our Mr. Kendall declines to answer questions propounded for the reason he does not want to be a party in arbitration unless the now pending matter comes before such a tribunal as will have full power to summon and place under oath, in which case he will cheerfully answer such questions as may be asked to his best knowledge and belief. He makes no special exception, and if parties in opposite interest to you should interview him for the purpose of receiving information, the same policy would be determined upon as in the present instance.

Concerning an affidavit already made, he requests us to say that if, in his judgment, had not an affidavit sworn to by his train baggage-master reflected upon his efficiency and honesty as an express messenger, he would not, under any consideration, caused his signature to have been affixed.

We remain, very truly, yours,

EARLE & PREW.

This honest express messenger could not be induced to make false statement as did Waldo L. Gates, Geo. Bray, Austin King, F. A. Bowen, and others.

A. W. CLARK, *Route Agent.*

No. 2.

Affidavit of William Richardson, showing that while the Providence post-office was turned into a grocery-store, there was no complaint from Postmaster Brayton.

[See affidavit on back for proof of false indorsement, &c., "C. R. B."]

[Also see proof that Brayton makes false affidavit, "A. W. C."]

William A. Richardson, in the city of Providence, county of Providence and State of Rhode Island, being duly sworn, saith :

That certain route agents—A. W. Clark not included—have made it a practice for several years to bring into the post-office articles of merchandise, such as butter, eggs, and berries, and sell the same to the clerks therein.

That said butter, sold to some five or six clerks in the post-office, including the chief head clerk, was weighed out with the scales furnished by the United States Government.

That although this post-office at Providence, R. I., was turned into a grocery-store, yet, there was no complaint made by the postmaster, Charles R. Brayton.

W. A. RICHARDSON,
Late Superintendent of Carriers.

In Providence, county of Providence, and State of Rhode Island, sworn to and subscribed before me this 19th day of December, 1877.

G. B. BARROWS,
Notary Public.

Chas. R. Brayton, postmaster within referred to, on oath declares that the within affiant, W. A. Richardson, was lately discharged from the post-office for incompetency, and that it is singular he did not discover this "grocery store" until he was discharged. That said postmaster had no knowledge of such grocery store's existence until he was enlightened by said discharged employé, and if he had, how does said Richardson know that no complaint was made by said Postmaster Brayton? As Mr. Richardson did not run the business office, I submit he swears to something that he knows nothing of; that is, whether I made complaint or not. His animus will also be apparent from the above.

C. R. BRAYTON,
Postmaster.

In Providence, R. I., sworn and subscribed before me this 21st day of December, 1877.

CLINTON D. SELLEW,
Notary Public.

In the foregoing affidavit, the postmaster at Providence, R. I., declares under oath that I was removed for "incompetency."

In his letter of November 15, 1877, addressed to me as superintendent of carriers, he asks for my resignation, stating that "in my opinion, a new superintendent will greatly promote the efficiency of the carrier service." Also, in letter of December 8, 1877, which, somehow he neglected to mail until the 10th, and then at 11 o'clock at night, and which I received at 8.30 the following morning; he says, "You are hereby discharged as clerk and superintendent of carriers at this office, to take effect at close of business this day. The reasons therefor were fully stated in my letter to you of November 15, 1877."

I now declare that when Charles R. Brayton, postmaster at Providence, R. I., made affidavit to "incompetency" as regards me, that he uttered a false and malicious lie.

My record for efficiency for nearly thirteen years is evident from the fact that I have been called to fill so many responsible positions—more than any clerk now employed or employed during that number of years, as witness my circular attached to this sheet. Said circular issued to the public because of the fact that from 75 to 100 letters are advertised each week for well-known business men and residents of this city; some of these parties box-holders in the Providence office.

I would now state that during the week ending December 8, 1877, I returned to the box clerk 203 letters and 74 papers, for box-holders, that came to my department with carrier matter. Also corrected the address of 37 letters, the same being addressed to Providence, R. I., and forwarded them to sixteen different cities and towns of this and other States.

Also forwarded 17 letters that were properly addressed (not belonging in Providence) to their proper destination.

This is efficiency, as I understand it.

As the postmaster says he had no knowledge of such grocery store until he was enlightened by said Richardson, a discharged employé, is certainly evident from the fact that he passed and repassed that portion of the office several times a day, which was within a few feet of the regular entrance for the employés. Also that I have seen eggs in envelope boxes in his private office (which was the customary way of employés, including myself) of carrying eggs, butter, and berries from the office.

That he may possibly claim that he did not see these things, is not to be wondered at from the fact that he has appeared in the post-office of this city at various times so grossly intoxicated that he would not be apt to notice anything but the large iron pillars against which he would stagger.

"Probably the fact that I might be an important witness against the said Charles R. Brayton in regard to charges of drunkenness that have been preferred; and, also, from the fact that from the first two years I have been selected and recommended by him to assist special agents in the performance of their duties here, may be the only reasons, if any, why the resignation of the "efficient" superintendent of carriers is so necessary at this all-important crisis of his affairs as a public official.

WILLIAM A. RICHARDSON,
Late Superintendent of Carriers.

STATES OF RHODE ISLAND,
Providence, &c. :

In Providence, this 10th day of January, A. D. 1878, then William A. Richardson personally appeared before me and made oath that the above statement by him signed is correct and true.

STEPHEN ESSEX,
Justice of the Peace.

[Printed circular.]

CIVIL-SERVICE REFORM IN THE PROVIDENCE POST-OFFICE.

Mr. _____:

The postmaster of this city having seen fit to remove me, after nearly *thirteen years' efficient service* in the Providence post-office, I take this method of calling your attention to the fact, because it directly concerns and has proved detrimental to you.

It has been my fortune during this long term of years to have served as letter-carrier, general delivery, money order, registered letter, and stamp clerk, also as box clerk and clerk in charge of the newspaper department, in which department, during the number of years it was under my control, I returned to the government a revenue greatly in excess of that of my predecessor, and an increase more than sufficient to pay my yearly salary. In this position I was found by the present postmaster upon his induction to office, and by him placed in sole charge of the letter-carrier department, a general control of which I had previous, in connection with my other duties.

This department was completely reorganized by me and a system adopted by which letters, &c., were delivered and collected more often, and with a regularity never known here before. The whole matter for the free delivery service (as well as general delivery) of this city passed through my hands and was assorted by me for the different carriers' routes. Now, when you take into consideration the charge of twenty carriers, with necessary substitutes and the general detail of the business, I have no doubt you can realize something of the amount of labor performed; yet this was accomplished, although the postmaster rendered no assistance and some of his appointees used their best efforts to prevent it, and it has been the boast of these men that they would eventually *run me out*. As the postmaster now says that "in my opinion a new superintendent will greatly promote the efficiency of the carrier service," I beg to differ with him; and from the fact that he has appointed Mr. F. C. Rider, a gentleman who never before handled a letter in that office and cannot possibly know anything in regard to this service, I think you will agree with me.

That the postmaster has not reached that much desired *efficiency* he aspired to must be self-evident to you from the fact that a letter addressed _____, _____, and supposed to be for you, was advertised _____, _____, a condition of things unknown while that department was under my charge, and which is certainly to your detriment.

Yours, respectfully,

WM. A. RICHARDSON,
Late Superintendent of Carriers.

No. 3.

Affidavit and statement of J. D. Hubbard, letter-carrier, Providence, Rhode Island, showing that P. M. Brayton has allowed other route agents than A. W. Clark to make a store of merchandise out of the Providence post-office.

[For further evidence next page.—"C. R. B."]

Statement by J. D. Hubbard, letter-carrier, post-office, Providence, Rhode Island.

According to your best knowledge, has route agent A. W. Clark ever brought into Providence post-office articles of merchandise and offered them for sale?

Not that I know of.

Have other route agents made it a practice to bring into Providence post-office and sell to the clerks such articles as butter, eggs, and strawberries?
They have.

J. DAVIS HUBBARD.

Subscribed and sworn to before me this 19th day of December, 1877.

G. B. BARROWS,
Notary Public.

PROVIDENCE, R. I., *December the 19th, 1877.*

The within named J. Davis Hubbard declares and says, in addition to the above, that he made no affidavit that Postmaster Brayton allowed A. W. Clark, or any other person, to make a store of merchandise out of the Providence post-office, and that such indorsement is not warranted by his statement; that in fact he has no knowledge that said Brayton ever knew of such facts.

J. DAVIS HUBBARD.

Sworn and subscribed before me, in Providence, R. I., this 22d day of December, 1877.

CLINTON D. SELLEW,
Notary Public.

PROVIDENCE, R. I., *January 8, 1878.*

If Postmaster Brayton did not know of such facts he could not have been in office much of the time, for it was a daily occurrence to show up the butter, eggs, and fruit, and sell to the clerks from the chief clerk down to the paper clerk, the head clerk admitting to W. H. Bigelow, special agent, that "the butter was very nice," and although he would not reply that route agents made it a "practice" to sell butter, &c., to the clerks, he stated that he "had repeatedly bought butter of a certain route agent." As to the name or "indorsement," I might say that the Providence post-office was a storage for beer, as beer by the keg was stored therein on the night of September 22d, 1877, and taken out on Sunday, September 23, and removed to Warwick Neck, R. I., where the postmaster gave a "clam-bake," which ended in a general spree, when Chief Clerk Kendall had a bad cut in the head made by a stool thrown at him. This fact will be fully proven at the investigation of charges that Brayton is a "drunkard."

A. W. CLARK,
Route Agent.

—
No. 4.

Affidavit and statement by Geo. M. Kendall, head clerk, Providence post-office, showing merchandise sold in Providence post-office by route agents, and no complaint by the postmaster.

[In proof of false indorsement see next page.—C. R. B.]

PROVIDENCE, *January 7, 1878.*

No "false indorsement" proven by Kendall's affidavit; from the fact that the postmaster has allowed this traffic to go on for years in the post-office, it is sufficient proof that he "made no complaint," and especially as a part of this produce found its way to the postmaster's private office.

A. W. CLARK,
Route Agent.

Statement by George M. Kendall, chief clerk in the Providence post-office.

According to your best knowledge, has it been customary for route agents generally to indulge in outside traffic while on duty?

Has no knowledge of it.

Can you recall an instance where route agents made it a practice to bring articles of merchandise, such as butter, eggs, berries, &c., into the post-office and sell to the clerks?

In one instance, he said, George M. Kendall had bought butter repeatedly of a certain agent.

Was Route Agent A. W. Clark one of the agents indulging in this practice?

Not to my knowledge.

GEO. W. KENDALL.

Subscribed and sworn to on this 19th day of December, 1877, before me.

G. B. BARROWS,
Notary Public.

PROVIDENCE, R. I., *December 19, 1877.*

The within-named George M. Kendall further declares and says that he never stated that no complaint was made by postmaster at Providence, as stated in indorsement on this sheet, and that said indorsement is not warranted by the facts on which it is assumed to be based, and as a matter of fact he has no knowledge that Postmaster Brayton was cognizant of the fact to which he, the said Kendall, swears.

GEORGE M. KENDALL.

Sworn and subscribed before me, in Providence, R. I., this twenty-second day of December, 1877.

CLINTON D. SELLEW,
Notary Public.

No. 5.

Statement by B. C. Salisbury, mail dispatcher, Providence post-office.

Question. Can you recall an instance where Route Agent A. W. Clark ever sold an article of any kind in the Providence post-office?

Answer. Cannot.

Q. Have other agents made it a practice to bring into the post-office and sell to the clerks such articles as butter, eggs, berries, &c.?

A. It has been done.

Q. Was it the practice until about the 15th of September to forward paper matter in sacks to the Boston and Providence agent untagged?

A. It was, to the best of my recollection.

B. C. SALISBURY.

DECEMBER 19, 1877.

PROVIDENCE, *sc* :

Subscribed and sworn to before me this 19th day of December, 1877, at Providence.

G. B. BARROWS,
Notary Public.

[Indorsement:] Statement of B. C. Salisbury, dispatcher of mails, Providence post-office, showing that Postmaster Brayton allowed route agents—A. W. Clark not included—to bring into the post-office eggs, butter, &c., and sell to the clerks.

[For rebuttal of the above false indorsement see next fold.—C. R. B.]

The within-named B. C. Salisbury, on his oath, declares that indorsement on this statement that Postmaster Brayton allowed route agents to bring into the post-office eggs, butter, &c., and to sell to the clerks is false, as he never testified to such fact, and believes it was done without the knowledge of said Brayton.

B. C. SALISBURY.

Sworn and subscribed before me, in Providence, R. I., this 22d day of December, 1877.

CLINTON D. SELLEW,
Notary Public.

PROVIDENCE, R. I., January 8, 1878.

If Postmaster Brayton did not "allow" this trading to be carried on, why was it done so for years, when he could have stopped it at once? To claim ignorance of the fact is to admit a neglect of duty, for it was carried on openly in the general business office, and many of the articles were placed in the postmaster's private office. In going to the stamp-window for stamps (inside the office), as I passed by the postmaster's private room, I saw, through the open door, a box of eggs on the desk; also a bottle with glasses, and sitting close by were two women smoking, one having her feet on the desk. Perhaps the postmaster, who was present, did not "allow" this to go on, but he appeared to have no objection to it.

A. W. CLARK, *Route Agent.*

No. 6.

Statement of F. A. Bowen, mail contractor, showing that he was at the "Beach" out of the city at the time covered by his affidavit produced by Charles R. Brayton. P. M. Also that he does not carry the mails to the Providence and Worcester agent. [See Bowen's subsequent affidavit hereto attached.—"C. R. B."]

A statement by F. A. Bowen, contractor for carrying the mails.

Question. Are you the contractor for carrying the mails in the city of Providence to the post-office?—Answer. I am.

Q. Who do you consider as your head messenger?—A. Myself.

Q. What time do you usually make your summer tour to the seaside?—A. About the 1st of July.

Q. What time return?—A. About the last of August.

Q. How long was Frank Benchley employed by you to "assist in carrying the mails" during last summer?—A. About six or seven weeks.

Q. Have you made it a practice to assist in carrying the mails to the morning route agent on the Providence and Worcester road during the past summer?—A. Have not. I think I have been present and assisted about two mornings in the week outside of July and August.

F. A. BOWEN.

PROVIDENCE, *sc* :

Subscribed and sworn to before me this 19th day of December, 1877, at Providence.

G. B. BARROWS,
Notary Public.

The within named F. A. Bowen further declares and says that the time referred to in affidavit by him, filed by Postmaster Brayton was between June 1 and July 9, 1877, and that he was not at the seaside during that time, which is as much a part of the summer as July or August, and that he swore that said Clark's failure was "during the summer" and not in July or August, as he endeavors to make it appear. That said Clark's indorsement on the affidavit to which this is attached is wholly unwarranted by his statements. That he has also seen the mail wagon without said Clarke, when carrying over Worcester mails in early a. m., in September, 1877, and that it was not until the middle or latter part of September, 1877, that said Clark pretended to accompany his mails to the depot.

F. A. BOWEN.

PROVIDENCE, R. I., *sc* :

Sworn and subscribed to before me this twenty-fourth day of December, 1877.

[SEAL.]

WALTER R. STINELL,
Notary Public.

JANUARY 8TH, 1878.

The above affidavit by F. A. Bowen, and witnessed by Walter R. Stiness, is of no account at the bottom of Bowen's reply, "Have not," to the question asked him, "Have you made it a practice to assist in carrying the mails to the morning route agent on the Providence and Worcester road during the past summer?"

A. W. CLARK, *Route Agent.*

No. 7.

Affidavit of Archibald Kennedy, assistant mail messenger, showing that A. W. Clark was not the only route agent who did not accompany his mails from the post-office to the depot. Also showing that up to about the 18th of September, sacks of paper matter were forwarded from the Providence post-office not tagged. That he did not consider that he was "bribed" when he received ten cents from Route Agent Clark.*

I, Archibald W. Kennedy, on oath do depose and say that I am assistant mail carrier and have charge of the transportation of the mail from Providence post-office to the various depots. Aaron W. Clark, was not the only route agent who failed to accompany his mails from the post-office to the depot during the past summer. I do not consider that Aaron W. Clark "bribed" me. He occasionally gave me ten cents and told me to buy a cigar. I brought wood to his car for him. Up to about the 18th of September, 1877, sacks of paper matter were sent from the post-office in Providence to the Providence and Waterbury agent, and to the Providence and Worcester agent, and to the Boston and Providence agent untagged.

ARCHIBALD KENNEDY.

Subscribed and sworn to, in Providence, this 19th day of December, 1877, before me.

G. B. BARROWS,
Notary Public.

* The above affiant further deposes and says that he was not on duty the a. m. th

* See additional affidavit on back.—C. R. B.

† January 7th, 1878.

The statement that A. Kennedy was not "on duty" on the morning the sack was forwarded from the post-office untagged is of no consequence, as his statement shows that up to a later date than that on which the sack of papers was improperly forwarded from the post-office, this sack matter had been forwarded for the three routes untagged.

A. W. CLARK—*Route Agent*

said Clark received sack of papers by mistake, so that he, said Kennedy, has no means of knowing whether said sack was tagged or not. That said Clark did not pretend to accompany his mails to the depot, it being the exception when he did. That I have seen said Clark on a load of melons during the last summer at Providence and Worcester depot, and that he had to go after him to receive his mails. That this fact was stated to said Clark at his examination before Special Agent Bigelow, but, for reasons apparent, not incorporated by said Clark's attorney in the above affidavit.

That said Clark did not give him money until since said Clark's difficulty with the Providence post-office, and that he did not understand what said Clark meant by this sudden and unusual liberality. That he makes this statement without fear, favor, prejudice, or the hope of reward.

ARCHIE W. KENNEDY.

In Providence, in said county and State, personally appeared Archibald W. Kennedy, on the 24th day of December, 1877, subscribed and swore to above declaration before me, and I certify that above declaration was carefully read over and explained to said affiant by me before execution. And that he declared that he did not wish to retract the same or any part thereof.

[SEAL.]

WALTER R. STINELL.

Notary Public.

[A. Kennedy did not state before Special Agent Bigelow that he had to go after Clark to receive his mails when he was on a load of melons, but that Clark "was at the car as soon as he was." This melon man was shipping melons to one Grover at Worcester, and gave Clark one every morning.

A. W. CLARK.]

No. 8.

George Edwards, in the city of Providence, county of Providence, and State of Rhode Island, being duly sworn, saith:

That he is an assistant messenger and employed by one F. A. Bowen, the contractor for carrying the mails in the city of Providence; that he was at the beach with Mr. Bowen during the months of July and August; that he, the said George Edwards, is now an assistant mail messenger; that he, the said George Edwards, did not consider that he was "bribed" when Route Agent A. W. Clark gave him small sums of money; that F. A. Bowen, the mail contractor, was at the beach during the months of July and August; that the said George Edwards usually asked for five or ten cents to buy tobacco or received it for bringing wood to the mail car.

his
GEORGE ~~x~~ EDWARDS.
mark

Witness:

G. B. BARROWS.

PROVIDENCE, ss:

Subscribed and sworn to before me this 19th day of December, 1877, at Providence.

G. B. BARROWS.

Notary Public.

(Indorsement:) Affidavit of George Edwards, an assistant mail messenger, showing that he did not consider that he was "bribed" when he received ten cents from Route Agent A. W. Clark; also showing that F. A. Bowen, the mail contractor, was luxuriating at the beach during the time covered by his affidavit, stating that A. W. Clark did not accompany his mails to the depot.

George Edwards, of Providence, R. I., deposes and says that he is and for three years last past has been assistant mail messenger at Providence, R. I.; that in this capacity he has often carried the early a. m. mails to one Aaron W. Clark, route agent on the Providence and Worcester railroad; that said Clark failed to accompany his mails from the office to the depot on many occasions, and when at other times he got on the wagon it was from the fruit store of Clapp & King, and not from the post-office; that he has frequently taken the mails to said Clarke's car and was unable to find him and left mails outside door of his mail apartment, and that said Clark allowed him to have a key to his car so he could put the mails in when he, said Clark, was absent therefrom, as was the case most of the time in the fruit season; that he has seen said Clark frequently at the depot assist in packing crates of peaches in his car when he, said Edwards, came with said Clark's mails, and that he has assisted said Clark in so packing up crates a.

above, said Clark leaving his mails lying at door of his apartment while he attended to the fruit business as aforesaid; that most of the time when he came in at night he did not accompany his mails to the post-office, but went into the restaurant, and many times when he did start with him he would get off of the wagon before he reached the post-office at Clapp & King's fruit store; that said Clark has frequently given him, the said Edwards, sums of money for assisting him, the said Clark, in packing peaches in his, said Clark's car, he, the said Clark, helping also, and leaving the mails the said Edwards had brought at the door of his, said Clark's, mail apartment; that he, the said Edwards, has carried crates of strawberry boxes for said Clark to Clapp & King's, fruit dealers, said Clark delivering them to him from his mail apartment with the mails for the Providence, R. I., post-office; that said Clark never complained or intimated to him, the said Edwards, that he, the said Edwards, was "unreliable or addicted to drinking" during the long time he was assisting said Clark in packing fruit, but he is informed and believes now that said Clark has suddenly discovered these objections to the employes of Mr. Bowen, and especially since and because said Clark has been "hard put" to cover his short coming; that he makes this statement without fear, favor, prejudice, or the hope of reward, and with a full knowledge of its contents.

his
GEORGE X EDWARDS.
mark.

W. R. STINELL.

In Providence, in said county and State of Rhode Island, personally appeared George Edwards, above named, who after hearing above declaration carefully read over and explained to him by me, and separate and apart from any other person, made his mark to the same, and also made solemn oath before me that the above declaration was true, and that he did not wish to retract the same or any part thereof.

[SEAL.]

WALTER R. STINELL.
Notary Public.

DECEMBER 24, 1877.

Affidavit in rebuttal to one made by George Edwards, an assistant mail messenger in the city of Providence, sworn to Dec. 24, 1877.

Aaron W. Clark, a mail route agent, being duly sworn, saith that in a conversation with George Edwards, on the 9th day of January, 1878, he made the following replies to questions put to him:

Question. Did you intend to say in your affidavit of the 24th of December, 1877, that A. W. Clark entrusted you with a key to his car?—Answer. "I did not so intend to state, as I received the key from Judge Russell."

Q. Who was this Judge Russell?—A. "A man Mr. Bowen had with him in the express business about four years ago."

Q. Was this key a key to the mail apartment?—A. "No; but to the baggage-car."

Q. Do you pretend to say that you ever "assisted A. W. Clark in packing crates of peaches in his car"?—A. "I do not pretend to say that, as I saw no crates of peaches, or assisted in packing any."

Q. Did you intend to swear that "A. W. Clark went in the restaurant at night instead of accompanying his mails to the post-office"?—A. "I might have said he looked in the door, but he did not stop."

Q. Did you say that A. W. Clark at times "got on the mail wagon at Clapp & King's fruit store"?—A. "No; I did not so intend to state in the affidavit."

Q. Did you intend to swear in your affidavit that "A. W. Clark had given you sums of money for assisting in packing fruit in his car"?—A. "Did not. I simply said to Bigelow (special agent) that he gave me 10 cents occasionally, and told me to buy a cigar."

Q. Was the affidavit you signed prepared when you reached the post-office?—A. "It was all ready, but they asked me the questions."

Q. Did you give Mr. Brayton to understand that you carried crates of berries from my car to Clapp & King's?—A. No, sir.

PROVIDENCE, R. I., January 10th, 1878.

A. W. CLARK, Route Agent.

I certify that I was a witness to the above conversation, and that it is correct and truthful.

JOSEPH A. RAZEE.

In Providence, in said county, and State of Rhode Island, subscribed and sworn to before me this 10th day of January, 1878.

FRANKLIN P. OWEN,
Notary Public.

Statement of route agents leaving Providence on morning mail-trains, showing that registered matter for each was tied in one package. Record of registered matter, Providence post-office, showing that A. W. Clark took and receipted therefor one package of registered matter. Why was there two bundles on this occasion, if not so contrived for certain purposes?

This is to certify that the registered letter matter, for each route agent, is tied together in one package by the clerk having charge of them in Providence post-office. My packages are always tied together.

H. O. COLE.

The registered packages for me on our route are tied in one bundle.

H. F. ROBERTS,
Route Agent, H., P. and R. Railroad.

No other route agents have left their registered letter satchel in a fruit-store as Clark did, which shows Clark was careless, and accounts for his neglect in October, 1877.

C. R. B., *P. M.*

Neither did A. W. Clark—Charles A. Brayton and Austin King to the contrary notwithstanding.

A. W. CLARK, *Route Agent.*

No. 2.

D.—Affidavit of Joseph Case, the early a. m. mail clerk, Providence, R. I.

1st. That route agent Clarke neglected to take three registered letters October 9, 1877, thereby greatly delaying them.

2d. That it was ignorant blunder of Route Agent Clarke sending sack for Boston and Providence agent into Boston, and caused unnecessary delay.

3d. That Route Agent Clarke is in habit of scandalizing postmaster when on duty receiving his mail.

4th. That he has seen Route Agent Clarke handling fruit when on duty.

5th. That all mails have been dispatched properly and promptly since he (Case) has been on duty.

Joseph Case, the early a. m. clerk at the Providence (R. I) post office, being duly sworn on his oath, saith:

1st. That on the a. m. of Oct. 9, 1877, Aaron W. Clarke, route agent on the Providence and Worcester Railroad, neglected to take three registered letters that were regularly entered on the proper book, and put in the place where said Clarke usually received his registered letters, said letters were thereby greatly delayed, and were one each for Woonsocket, R. I., Worcester and Warren, Mass.

2d. That a sack of papers for Boston and Providence agent reaching Worcester agent on a. m. run north by mistake should be returned to Providence, as most of the matter could then be sent out by mid-day mails; to send it to Boston, Mass., was to unnecessarily delay the matter therein.

3d. That on more than one occasion during the past summer the said Aaron W. Clark, route agent, when he came into the mail-room in the a. m. on official business, has scandalized the postmaster, and asked him to convey insulting messages to said postmaster.

4th. That at least once, during the past summer, between 6 and 7.20 a. m., after said Clarke had left the office, signed the book, and taken his letters, he saw him at fruit-store of Clapp & King, No. 11 and 13 Weybosset street, Providence, R. I., assisting in handling fruit.

5th. That he has done the early a. m. work in mail-room on outgoing mails since June 25, 1877. That in this capacity he has sent out registered and other matter regularly, and that there has been no unnecessary delay in its dispatch while he has been on duty, except when on the 9th of October, 1877, Route Agent Clarke neglected to take three registered letters, thereby greatly delaying the same, as once before stated.

6th. That he has been absent but about sixteen days since June 25, 1877, and that during this absence he is informed by his brother mail clerks, and from their statements, and from examination of the records of the office, believes that registered and other matter went forward regularly and without delay in his absence.

JOSEPH CASE.

In Providence, in said county and State, sworn and subscribed before me, this thirtieth day of November, 1877, and I certify that above declaration was carefully read over and explained to said affiant by me, and that he declared the same to be his free and voluntary act and deed, and that he did not wish to retract the same.

[SEAL.]

CLINTON D. SELLEW,
Notary Public.

No. 3.

Affidavit of B. C. Salisbury, mail dispatcher, Providence, R. I., as to sack of papers received by Route Agent Clark, and that Clark admitted the sack was correctly labeled. That sending it into Boston was an ignorant blunder, causing unnecessary delay.

B. C. Salisbury, mail dispatcher at the Providence, R. I., post-office, being duly sworn, on his oath saith:

That Aaron W. Clark, route agent on the Providence and Worcester Railroad, voluntarily admitted to him that the sack of papers for the Boston and Providence agent, received by said Clark on or about September 15, 1877, from the mail messenger by mistake, was correctly marked to Boston and Providence agent, and also stated that it was probably mixed by the messenger; that if said Clark had sent this sack back to Providence instead of into Boston—most of the matter being for East and North Attleboro, Taunton, and New Bedford—would have gone out in forenoon mails, and that sending it to Boston occasioned unnecessary delay.

B. C. SALISBURY.

In Providence, in said county and State, sworn and subscribed before me this thirtieth day of November, 1877; and I certify that the above declaration was carefully read over and explained to said affiant, and that he declared the same to be his free and voluntary act and deed, and that he did not wish to retract the same.

[SEAL.]

CLINTON D. SELLEW,
Notary Public.

No. 4.

Affidavit of Wm. N. Bucklin, day mail clerk, Providence, R. I., as to finding three registered letters left by A. W. Clark, route agent, October 9, 1877.

Wm. N. Bucklin, day mail clerk at the Providence, R. I., post-office, being duly sworn, on his oath saith:

On reaching the post-office at about 8 a. m., on October 9th, 1877, he found on the table in the usual place whence route agents take their registered matter three registered letters, one each for Woonsocket, R. I., Worcester and Warren, Mass., that should have been taken by Aaron W. Clark, route agent on the Providence and Worcester Railroad, on the trip that record shows he commenced at 6 a. m. that day, his neglect causing serious and unnecessary delay.

WILLIAM N. BUCKLIN.

In Providence, in said county and State, sworn and subscribed before me this thirtieth day of November, 1877; and I certify that the above declaration was carefully read over and explained to said affiant by me, when he declared the same to be his free and voluntary act and deed, and that he did not wish to retract the same.

[SEAL.]

CLINTON D. SELLEW,
Notary Public.

No. 7.

Copy of register of mails.—Arrivals and departures of Route Agent Clark.—June, July, and August, 1877.

POST-OFFICE, PROVIDENCE, R. I.

Route Agent's Register of Departure.—Route No. 4001, from Providence, R. I., to Worcester, Mass.

Date.	Agent's signature.	Any casualty or irregularity affecting the service to be here noted and explained by the route agent.	Hour of departure.
1877.			
June 1	J. O. Spencer.....		6 a. m.
2	J. O. Spencer.....		6 a. m.
3			
4	J. O. Spencer.....		6 a. m.
5	J. O. Spencer.....		6 a. m.
6	A. W. Clark.....		6 a. m.
7	A. W. Clark.....		6 a. m.
8	A. W. Clark.....		6 a. m.
9	A. W. Clark.....		6 a. m.
10			
11	A. W. Clark.....		6 a. m.
12	A. W. Clark.....		6 a. m.
13	A. W. Clark.....		6 a. m.
14	A. W. Clark.....		6 a. m.
15	A. W. Clark.....		6 a. m.
16	A. W. Clark.....		6 a. m.
17			
18	A. W. Clark.....		6 a. m.
19	A. W. Clark.....		6 a. m.
20	A. W. Clark.....		6 a. m.
21	A. W. Clark.....		6 a. m.
22	A. W. Clark.....		6 a. m.
23	A. W. Clark.....		6 a. m.
24			
25	A. W. Clark.....		6 a. m.
26	A. W. Clark.....		6 a. m.
27	J. O. Spencer.....		6 a. m.
28	J. O. Spencer.....		6 a. m.
29	J. O. Spencer.....		6 a. m.
30	J. O. Spencer.....		6 a. m.
31			

I certify that the foregoing report is correct, and that the signatures of the route agents were made upon the day and at the time the report designates.

A true copy.

GEORGE M. KENDALL.
Chief Clerk.

POST-OFFICE, PROVIDENCE, R. I.

Route Agent's Register of Departure.—Route No. 4001, from Providence, R. I., to Worcester, Mass.

Date.	Agent's signature.	Any casualty or irregularity affecting the service to be here noted and explained by the route agent.	Hour of departure.
1877.			
July 1			
2	J. O. Spencer.....		6 a. m.
3	J. O. Spencer.....		6 a. m.
4	A. W. Clark.....		6 a. m.
5	A. W. Clark.....		6 a. m.
6	A. W. Clark.....		6 a. m.
7	A. W. Clark.....		6 a. m.
8			
9	A. W. Clark.....		6 a. m.
10	A. W. Clark.....		6 a. m.
11	A. W. Clark.....		6 a. m.
12	A. W. Clark.....		6 a. m.
13	A. W. Clark.....		6 a. m.
14	A. W. Clark.....		6 a. m.
15			
16	A. W. Clark.....		6 a. m.
17	A. W. Clark.....		6 a. m.
18	A. W. Clark.....		6 a. m.
19	A. W. Clark.....		6 a. m.
20	A. W. Clark.....		6 a. m.
21	A. W. Clark.....		6 a. m.
22			
23	A. W. Clark.....		6 a. m.
24	A. W. Clark.....		6 a. m.
25	J. O. Spencer.....		6 a. m.
26	J. O. Spencer.....		6 a. m.
27	J. O. Spencer.....		6 a. m.
28	J. O. Spencer.....		6 a. m.
29			
30	J. O. Spencer.....		6 a. m.
31	J. O. Spencer.....		6 a. m.

I certify that the foregoing report is correct, and that the signatures of the route agents were made upon the day and at the time the report designates.

A true copy.

GEORGE M. KENDALL,
Chief Clerk.

POST-OFFICE, PROVIDENCE, R. I.

Route Agent's Register of Departure.—Route No. 4001, from Providence, R. I., to Worcester, Mass.

Date.	Agent's signature.	Any casualty or irregularity affecting the service to be here noted and explained by the route agent.	Hour of departure.
1877.			
Aug. 1	A. W. Clark.....	.....	6 a.m.
2	A. W. Clark.....	.....	6 a.m.
3	A. W. Clark.....	.....	6 a.m.
4	A. W. Clark.....	.....	6 a.m.
5			
6	A. W. Clark.....	.....	6 a.m.
7	A. W. Clark.....	.....	6 a.m.
8	A. W. Clark.....	.....	6 a.m.
9	A. W. Clark.....	.....	6 a.m.
10	A. W. Clark.....	.....	6 a.m.
11	A. W. Clark.....	.....	6 a.m.
12			
13	A. W. Clark.....	.....	6 a.m.
14	A. W. Clark.....	.....	6 a.m.
15	A. W. Clark.....	.....	6 a.m.
16	A. W. Clark.....	.....	6 a.m.
17	A. W. Clark.....	.....	6 a.m.
18	A. W. Clark.....	.....	6 a.m.
19			
20	A. W. Clark.....	.....	6 a.m.
21	A. W. Clark.....	.....	6 a.m.
22	J. O. Spencer.....	.....	6 a.m.
23	J. O. Spencer.....	.....	6 a.m.
24	J. O. Spencer.....	.....	6 a.m.
25	J. O. Spencer.....	.....	6 a.m.
26			
27	J. O. Spencer.....	.....	6 a.m.
28	J. O. Spencer.....	.....	6 a.m.
29	A. W. Clark.....	.....	6 a.m.
30	A. W. Clark.....	.....	6 a.m.
31	A. W. Clark.....	.....	6 a.m.

I certify that the foregoing report is correct, and that the signatures of the route agents were made upon the day and at the time the report designates.

A true copy.

GEORGE M. KENDALL,
Chief Clerk.

No. 8.

Bill of Clapp & King, fruit dealers, against A. W. Clark, route agent, Providence and Worcester, and bookkeeper's certificate, showing Clark was on duty at dates marked in blue pencil.*

PROVIDENCE, R. I., November 24, 1877.

Mr. A. W. Clark purchased of Clapp & King, wholesale and retail dealers in fruits, confectionery, preserves, &c., agents for Croft, Wilbur & Co.'s confectionery, 11 and 13 Weybosset street, also 15, 16, and 17 Vesey Pier, New York:

May	11. Boh. bananas.....	\$5 75
	26. 32 quarts berries.....	7 36
	28. 64 quarts berries.....	16 00
	29. 32 quarts berries.....	7 04
	30. 32 quarts berries.....	6 40
	31. 48 quarts berries.....	7 20
June	1. 32 quarts berries.....	4 80
	2. 60 quarts berries.....	9 60
	*6. 48 quarts berries.....	7 62
	96 quarts berries.....	14 44
	*7. 32 quarts berries.....	4 64

	*9.	54 pints berries	5 40
		2 quarts berries	22
	*11.	90 pints berries	5 18
		60 pints berries	3 45
	*12.	54 pints berries	6 21
		60 pints berries	4 80
		60 pints berries	6 90
	*13.	216 pints berries	22 68
		2 fifty-four pint crates	5 00
	*22.	Box oranges	4 75
July	*17.	3 crates peaches	12 00
		2 crates peaches	8 00
August	24.	2 baskets	3 00
		2 baskets, &c	70
	*29.	Barrel peaches	10 00
	*31.	5 baskets peaches	9 25
		5 baskets, &c	1 75
September	1.	1 basket peaches	2 00
		1 basket, &c	35

202 55

* They are indicated by stars.

I hereby certify that I am and have been bookkeeper for Clapp & King for more than a year, and that the above is correct as appears from their books, and that the items were usually purchased between 6 and 7.30 a. m. in the summer.

EMORY A. PERRIN.

No. 9.

Affidavit of Waldo L. Gates, agent Providence & Worcester Railroad.

1st. Saw Route Agent Clark deliver fruit while on duty.

2d. Saw him have crates of berries in his mail compartment, and saw said Clark deliver therefrom while said Clark was on duty.

3d. That said Clark admitted he sold fruit to Clapp & King.

4th. That it is a well-known fact that said Clark has carried on the fruit business for years.

WALDO L. GATES, of Providence, in the county of Providence, and State of Rhode Island, being duly sworn, on his oath, saith: That he is and for five years last past has been freight agent of the Providence & Worcester Railroad; that his duties call him to different points on the road, and by all the trains; that he has frequently been on the train with Aaron W. Clark, route agent; has frequently sat in his mail compartment, and while said Clark was on duty, and the only mail agent on the train, seen him receive and deliver fruit; that frequently, during the last summer, he has seen crates of berries in said Clark's mail compartment, and seen him deliver and receive fruit therein when said Clark was on duty therein as United States mail agent.

That at Clapp & King's, wholesale fruit dealers, at 13 Weybosset street, Providence, R. I., said Clark, during the last summer, called his attention to the nice fruits he brought from Manville, R. I., on the Worcester road, and sold to said Clapp & King, wholesale fruit dealers as aforesaid; that it is a well-known fact that not only during the past summer, but in previous ones, said Clark has been engaged in the fruit business while on duty as mail agent.

That he makes this declaration without fear, favor, prejudice, or the hope of reward.

WALDO L. GATES.

Sworn and subscribed before me this twelfth (12) day of December, 1877; and I certify that the foregoing declaration was carefully read over and explained to the above affiant by me before swearing, when he declared the same to be his free and voluntary act and deed, and that he did not wish to retract the same.

[SEAL.]

CLINTON D. SELLEW,
Notary Public.

No. 10.

Affidavit of Archie Kennedy, assistant mail messenger.

1st. That Route Agent Clark, during the last summer, has frequently failed to accompany his mails, the rule being that he did not.

2d. That he has found said Clark's mail compartment locked between 6 and 7.20 a. m., so he had to leave his mails outside of the said Clark's door.

3d. That said Clark has frequently given him sums of money.

4th. That said Clark beguiled him into signing an erroneous statement October 10, 1877.

ARCHIE KENNEDY, of Providence, in the county of Providence, and State of Rhode Island, being duly sworn, on his oath saith :

That he is, and for several years last past has been, assistant mail messenger at Providence, R. I., post-office.

That he carries the mails to the Providence and Worcester agent, leaving Providence at 7.20 a. m.

That he is well acquainted with one Aaron W. Clark, route agent on said road.

That said Clark has frequently, during the last summer, failed to accompany his mails to and from the post-office, the rule being that he did not.

That at least once during the summer of 1877, between the hours of 6 and 7.20 a. m., when said Clark was on duty, he has been unable to find him at his mail compartment to receive his mails, and that he has been obliged to leave them unprotected outside the door of said Clark's mail compartment.

That said Route Agent Clark has frequently feed him with sums of money.

That on the a. m. of October 9, 1877, said Route Agent Clark "failed to accompany his mails from the post-office," but intercepted the mail wagon in front of Clapp & King's fruit store, Nos. 11 and 13 Weybosset street, and that the statement he signed in lead pencil was prepared, by said Clark, and that he did not intend to say that said Clark did ride from front side of post-office, but from front of Clapp and King's, as aforesaid.

That he makes this declaration without fear, favor, prejudice, or the hope of reward.

ARCHIE KENNEDY.

In Providence, in said county and State, sworn and subscribed before me this thirteenth day of December, 1877, and I certify that the above declaration was carefully read over and explained to said affiant by me before swearing, when he declared the same to be his free and voluntary act and deed, and that he did not wish to retract the same.

[SEAL.]

CLINTON D. SELLEW,
Notary Public.

No. 11.

C. R. Brayton, P. M. }

POST-OFFICE,
Providence, R. I., November 20, 1877.

Mr. J. O. SPENCER,

Relief Agent Providence and Worcester Railroad :

DEAR SIR : A letter, evidently for your signature, in the handwriting of one Aaron W. Clark, route agent on the Providence and Worcester Railroad, came into my hands November 15, 1877, reaching the office with other matter on the eve of that day. It reads as follows :

"A. W. Clark, Route Agent: Sir: In reply to your letter I will say that it is my belief that Mr. Brayton must have been mistaken about my 'tieing out as many as twenty-seven direct packages' for Providence distribution, as the time will not allow of doing it after we receive the bulk of our mails. Very respectfully, &c., &c."

Please reply on this sheet whether or not you are usually able to tie out as many as 27 direct packages for Providence distribution after you have received bulk of mail and before reaching Providence depot.

Respectfully,

C. R. BRAYTON,
Postmaster.

I am usually able to tie out as many as 27 direct packages for Providence distribution, on p. m. run south after receiving bulk of mail.

J. O. SPENCER,
Relief Route Agent.

Mr. W. K. Brown, mail clerk at Providence, R. I., office, will state on this sheet how many packages Mr. Spencer has tied out on p. m. run south.

C. R. BRAYTON,
Postmaster.

I have received from J. O. Spencer, route agent on Providence and Worcester Railroad on his p. m. run south, 27 tied-out packages.

W. K. BROWNE,
Mail Clerk.

Respectfully forwarded to Thos. P. Cheney, esq., superintendent railway mail service, first division, for his information, and attention asked to the deliberate attempt of Route Agent Clarke to have Relief Agent Spencer sign a prepared lie. I preserve the original in Clarke's writing for future examination. As two men confirm my statement, I trust I may be deemed to have spoken truthfully.

C. R. BRAYTON,
Postmaster.

A. W. CLARK, *Route Agent* :

SIR: In reply to your letter I will say that it is my belief that Mr. Brayton must have been mistaken about my "tying out as many as 27 direct packages" for Providence distribution, as the time will not allow of doing it after we receive the bulk of our mails.

Very respectfully, &c., &c.

Received Providence, R. I., November 15, 6 p. m.

This is Clarke's handwriting and shows deliberate attempt to have a brother route agent tell a deliberate lie.

C. R. BRAYTON,
Postmaster.

Tying out letter packages on Worcester and Providence.

OFFICE OF THE SUPERINTENDENT
RAILWAY MAIL SERVICE, FIRST DIVISION,
Boston, November 30, 1877.

Respectfully referred to Wm. H. Bigelow, esq., special agent Post-Office Department.

(C. R. B. in case Brayton vs. Clark.)

THOS. B. CHENEY,
Superintendent Railway Mail Service.

Contents filed as proof.

C. R. BRAYTON,
Postmaster.

A. W. Clark's letter of December 22, 1877, with reference to Spencer's leaving mail in car overnight.

PROVIDENCE, R. I., December 22, 1877.

THOMAS P. CHENEY, Esq.,

Superintendent Railway Mail Service, First Division :

SIR: Since a document, framed by Charles R. Brayton, postmaster at Providence, has found its way to your office, setting forth that one J. O. Spencer, a relief agent on the Providence and Worcester route, was persuaded to "tie out" on his south run, on one particular occasion, "27 direct packages for Providence distribution," and that one W. K. Brown, a clerk in the Providence post-office, was requested to count the same "27 packages," that Postmaster Brayton might have an opportunity to complain of Route Agent A. W. Clark, I have to report: That, in order to accommodate the postmaster at Providence, and tie out the "27 packages" of direct matter, said J. O. Spencer, relief agent, failed to put out an entire mail on reaching Providence, which he left in the car overnight. (See his note to A. W. Clark, route agent, inside this letter.) Although he was pleased to term it a "littlesack," it certainly was two-thirds full. Had he have taken it to the post-office when he first discovered the delay, which he must have done early in the evening, the contents would have been ready for the early mails.

That on the morning of the 24th of October, 1877, as I took my run after being off a week, I found in the car, the entire letter mail for the B. and W. agents

east and west, some two hundred letters. In connection with this, Mr. Spencer explained that in his "haste he overlooked the letter mail for these agents." Probably he was trying to tie out "27 packages," and did not have time to put out his regular letter mail. The letter mail for the "B. and Will. agent west" is usually quite heavy, as it includes matter for the Norwich and Worcester agent, or, rather, "Worcester and Norwich agent." I make this statement to show how he manages to get "ample time to tie out 27 packages," as he has informed the postmaster at Providence that he has ample time. (See Postmaster Brayton's letter of complaint to Thomas P. Cheney, November 5, 1877; also Spencer's indorsement on document in hands of Special Agent Bigelow.) To show that Relief Agent Spencer's "ample time" does not "hang heavy on his hands," I have to report that for "want of time"—as he claims—he fails to comply with order from your office dated November 8, 1877, and which was brought about by Postmaster Brayton and Spencer requiring "all packages for Providence distribution should be opened and assorted." That said Spencer fails to comply with this order, I am positive, as on Saturday night—an easy night—December 15, 1877, while in his mail apartment, I saw him put Providence distribution packages into his letter-box unopened, he remarking that "there was not time to do on this road." This was the reply I honestly asked him to make to my letter, wherein Charles R. Brayton, postmaster at Providence, says I "asked a brother agent to have him place the postmaster at Providence in a lie." As I have explained how it is that J. O. Spencer has "ample time" to tie out "27 direct packages."

I am, very respectfully,

A. W. CLARK,
Route Agent Boston and Worcester Railroad.

Mr. CLARK: Please send the little sack over to the office. I overlooked it.

Should have made a report of these irregularities at the time, but as he, said Spencer, had called my attention to them in both cases, I presume he explained to your office the cause of these delays.

A. W. C.

OFFICE OF THE SUPERINTENDENT
RAILWAY MAIL SERVICE, FIRST DIVISION,
Boston, December 25, 1877.

Respectfully referred to T. N. Vail, esq., general superintendent railway mail service, Washington, D. C.

THOS. P. CHENEY,
Superintendent Railway Mail Service.

By D. A. HOLMES,
Chief Clerk.

C. R. Brayton, P. M. }

POST-OFFICE.
Providence, R. I., December 19, 1877

Col. W. H. BIGELOW,
Special Agent Post-Office Department:

DEAR SIR: You having affixed your official signature to letters prepared by one Wm. A. Richardson, a discharged employé of this office, which are construed by the parties addressed as being mandatory, and having permitted the attendance at the interviews so requested of a magistrate authorized to administer oaths, I respectfully demand to be personally present, that no action may be had adverse to my interests without an opportunity of confronting my opponents and cross-examining each party as present themselves in accordance with the above-mentioned letters. Should you, in your best judgment, differ with me, I then respectfully demand that each party become shall be explicitly informed by you that any statement or affidavit on their part is purely voluntary and that you have no power to require it. I also respectfully protest against the presence of Mr. Dawley at the investigation of the charges preferred by Mr. Clarke, and of either this man Richardson or Dawley at the consideration of the charges preferred by me against Clarke. And in conclusion, I protest against the reception of statements or affidavits as to shortcomings of other post-office men, who are not under charges, as it is no evidence that Aaron W. Clark is not guilty because he attempts to show that some one else did as he has done.

I trust the investigation may be full and final, and shall be glad to aid you in making it so.

Very respectfully,

C. R. BRAYTON,
Postmaster.

Request of A. W. Clark, route agent, showing no attempt at "outside business" since new orders went into effect:

PROVIDENCE, R. I., December 20, 1877.

W. H. BIGELOW, Esq.,

Special Agent Post-Office Department:

SIR: I beg to submit, with statements, &c., already furnished you, the fact that in no instance have I left orders for any article of merchandise, or made any attempt whatever to indulge in any "outside business" since the the new orders went into effect. That it has been my aim and purpose to serve the department faithfully and observe fully all instructions emanating therefrom. That I would like to appear in person before the post-office attorney or official in Washington who is conducting this investigation, as I could throw much more light on many points by a conversation than can be done by written communications.

I have the honor to be, very respectfully,

A. W. CLARK,
Route Agent.

A. W. Clark, route agent, Providence, furnishing letters from postmasters along the line and slips from Superintendent Cheney, showing why postmaster of Providence could not make good charges against him:

[Office of First Assistant Postmaster-General, December 23, 1877.]

PROVIDENCE, R. I., December 24, 1877.

JAMES N. TYNER, Esq.,

First Assistant Postmaster-General, Washington, D. C.:

SIR: As Charles R. Brayton, postmaster at Providence, R. I., in the recent investigation of charges made against me for carelessness, &c., on duty, failed to produce any written proof, I forward you letters from postmasters on the line of the Providence and Worcester Railroad, and "slips" from Thomas P. Cheney, esq., superintendent railway mail service, first division, showing why he could not furnish proof of his charges.

I forward these documents direct to you, believing that you have in your hands the result of said investigation.

Very respectfully,

A. W. CLARK,
Route Agent, Providence, R. I.

Letters from postmasters on the line of the road to which Route Agent A. W. Clark is attached.

PROVIDENCE, R. I., December 18, 1877.

DEAR SIR: Will you please be so kind as to forward to my address, No. 27 High street, Providence, R. I., as early as practicable, a statement showing merits or demerits of Route Agent A. W. Clark, Providence and Worcester Railroad (for past ten years), in regard to faithfulness, correctness, courtesy, &c., pertaining to post-office affairs.

Very respectfully,

A. W. CLARK.

POST OFFICE, *Millbury, December 19, 1877.*

DEAR SIR: In reply to the foregoing note I have to say, that in my opinion, A. W. Clark is one of the most faithful, honest, constant, correct and obliging servants in the postal service.

Yours, respectfully,

R. E. BOWEN,
Postmaster.

George Sherman, postmaster, post-office Lonsdale.

PROVIDENCE COUNTY, RHODE ISLAND,
December 19, 1877.

A. W. CLARK, Esq.,

Route Agent Providence & Worcester Railroad:

DEAR SIR: Yours of 18th inst. at hand, and in reply will say, so far as my business

transactions with the several agents on the Providence and Worcester road for the past ten years is concerned, I have no hesitation in saying that I consider you as at the head of all.

Very respectfully,

GEORGE SHERMAN,
Postmaster.

POST OFFICE, WILKINSONVILLE, MASS.,
December 18, 1877.

A. W. CLARK, Esq.:

DEAR SIR: Yours of late date is at hand and contents noted. In reply to your inquiries, allow me to state that, as far as my knowledge extends in regard to the performance of duties as route agent on the Providence and Worcester Railroad for the past ten years, more or less, they have always been courteous, correct, and faithfully performed.

Very respectfully,

W. R. HILL,
Postmaster.

FARNUMSVILLE, MASS.,
December 19, 1877.

A. W. CLARK, Esq.,
27 High Street, Providence, R. I.:

DEAR SIR: In reply to yours of 18th instant as to the merits and demerits of A. W. Clark, esq., are as follows: Very gentlemanly and very correct in all business connected with my office or in anything, as far as I know, for the past six years; previous to that James A. Morse was the postmaster.

Very truly, yours,

C. C. WILLIS,
Postmaster.

ASHTON, December 19, 1877.

DEAR SIR: Yours received. In reply would say that during the past four years I have been postmaster in this place, and I have always considered Mr. Clark very gentlemanly and correct in business transactions.

Yours, respectfully,

R. SWEET,
Postmaster.

BLACKSTONE, December 19, 1877.

Mr. A. W. CLARK:

DEAR SIR: For the eight or nine years I have had to deal with you in matters of post-office affairs, I have ever found you faithful, courteous, and, I may add, very correct. To say you never made a mistake, would be saying too much for any one; but true it is your mistakes have been very few. You have also been (I think) very faithful to detect and very pleasantly correct my mistakes, for which please accept thanks.

Yours, truly,

J. BATES,
Postmaster.

SAUNDERSVILLE, MASS., December 18, 1877.

To whom it may concern:

This certifies that I have been postmaster at Saundersville, Mass., during the whole time that the bearer, A. W. Clark, has been route agent on the Providence and Worcester Railroad; that, so far as I know, he has always been faithful, courteous, and almost always correct. He has made but very few mistakes in the mail matter for this office during the whole time that he has been route-agent on said road.

GILBERT C. TAFT,
Postmaster.

POST OFFICE AT UXBRIDGE, MASS., *December 18, 1877.*

To whom it may concern:

GENTLEMEN: I regard Mr. A. W. Clark as one of the most faithful and correct route agents of Providence and Worcester Railroad that I have ever been connected with in post-office business. I should regret to see his place filled by another.

Very respectfully,

C. A. TAFT,
Postmaster Uxbridge, Mass., the past sixteen years.

MILLVILLE POST OFFICE, MASS., *December 20, 1877.*

Mr. CLARK:

DEAR SIR: I hope and trust you will not think it strange that I have not before this time answered your letter of inquiry to me of date of December 18. Sickness in my family is my only excuse. I will say, friend Clark, that during the last ten years I have never in a single instance, or during the whole time, heard or seen a single cause of complaint against you in the discharge of your duties as route agent on the Providence and Worcester Railroad; but, on the contrary, always courteous, kind, and willing to accommodate, and at the same time rendering to the government on your route a faithful performance of the duties due the government from you as route agent on the Providence and Worcester Railroad.

Respectfully, yours,

LYMAN LOGG,
Postmaster.

POST OFFICE, WORCESTER, MASS., *December 19, 1877.*

Mr. A. W. CLARK, Esq.:

DEAR SIR: In reply to your letter of December 18, I take great pleasure in saying that during the ten years of my acquaintance with you I have always found you faithful, efficient, and courteous in all that pertained to your duties as a route agent.

Very respectfully, yours,

J. PICKETT,
Postmaster.

POST-OFFICE, SLATERSVILLE, R. I.,
December 18, 1877.

DEAR SIR: In answer to your favor of this date, I take pleasure in stating that the official intercourse between this office and yourself as route agent has been marked by uniform courtesy on your part, and that the duties pertaining to the service in connection with this office have been performed with promptness and efficiency and a careful attention to detail.

Yours, respectfully,

ARTHUR YOUNG,
Postmaster.

To A. W. CLARK, Esq.,
Providence.

POST-OFFICE, WHITINSVILLE, MASS.,
December 21, 1877.

A. W. CLARK:

DEAR SIR: Yours of the 18th instant at hand, and, in reply, would say we can find no fault with you. Have always noticed your promptness in notifying us of and correcting all errors, and the correct and neat manner your mails are put up.

Yours, respectfully,

H. T. HOPKINS,
P. O. Clerk, Whitinsville, Mass.

NORTHBRIDGE, *December 19, 1877.*

TO WHOM IT MAY CONCERN:

This is to certify that I have known Mr. A. W. Clark for six years as route agent on cars P. & W. R. R. In my intercourse with him I have always found him uniformly

17 C S

courteous and obliging. As to capacity in his business, I consider him one of the best I ever knew. As to honesty at large and sincerity of purpose, I think I can almost call him an enthusiast; radical on these points and wishing all who come in contact with him officially to be up to the spirit of the laws in regard to the safe conduct and prompt delivery of matter intrusted to their care.

I indorse his course fully as I know the man.

GEORGE R. BROWN, *P. M.*,
Store Agent for the Paul Whitin Manufacturing Company.

POST-OFFICE, CENTRAL FALLS, R. I.,
December 19, 1877.

A. W. CLARK, Esq.,
Route Agent P. & W. Railroad:

DEAR SIR: In reply to your note of the 18th instant, will say that I consider you one of the most efficient route agents in every respect that has been on the Worcester road for ten years.

Respectfully, yours,

GEO. F. CROWNSHIELD, *P. M.*

POST-OFFICE, NORTH UXBRIDGE,
WORCESTER COUNTY, MASS., December 19, 1877.

TO WHOM IT MAY CONCERN:

This may certify that (having known Mr. A. W. Clark, post-office route agent on the Providence and Worcester Railroad, for about ten years) so far as my acquaintance extends, I have always found him faithful and correct in business, and always bearing a gentlemanly deportment.

A. S. SWEET, *P. M.*

POST OFFICE,
Woonsocket, R. I., December 19, 1877.

A. W. CLARK, Esq.:

SIR: In reply to your request of 18th inst., will say that I have kept no record of "merits or demerits" of Route Agent A. W. Clark, Providence & Worcester Railroad.

Of the few errors that have occurred during the past ten years, it will be impossible for me to assign any particular proportion to the direct responsibility of Mr. Clarke, as I have not always made myself acquainted with the dates or periods of his reliefs, and also as the mail for my office over his route is not entirely made up by himself. I will, however, venture the opinion, unbiased, that the errors for which he is directly responsible are very few.

His deportment toward all connected with this office has invariably been very gentlemanly, and courteous; in fact all that could be desired.

Very respectfully, yours,

S. H. BROWN, *P. M.*

[Printed heading.]

W. B. SEARS. INSURANCE.

BOSTON, December 17, 1877.

Aaron W. Clark, enlisted June 6, 1861, Company F, Second Regiment, Rhode Island Volunteer Infantry, as a private.

Promoted August 21, 1861, for good conduct on field of battle (first Bull Run) to corporal.

Promoted to color corporal in color guard of the regiment for efficiency and close attention to his duties, especially his good deportment.

Promoted to sergeant, December 29, 1861.

Promoted to first sergeant, July 21, 1862, vice West com. second lieutenant.

Promoted to second lieutenant, February 22, 1863.

Assigned to Company E, March 14, 1863.

Lieutenant Aaron W. Clark was from date of enlistment to discharge an "A No. 1" soldier and officer in every respect.

W. B. SEARS,
Captain, Commanding Company F, Second R. I. Vols.

Statement of label slips received on letter packages made up by A. W. Clark during the month of June, 1874.

Total No. of slips received, 309.

Total No. of slips correct, 309.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
STAHL.

Statement of label slips received on letter packages made up by A. W. Clark during the month of July, 1874.

Total No. of slips received, 255.

Total No. of slips correct, 255.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
STAHL.

Statement of label slips received on letter packages made up by A. W. Clark during the month of August, 1874.

Total No. of slips received, 251.

Total No. of slips correct, 251.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
STAHL.

Statement of label slips received on letter packages made up by A. W. Clark during the month of September, 1874.

Total No. of slips received, 259.

Total No. of slips correct, 259.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
STAHL.

Statement of label slips received on letter packages made up by A. W. Clark during the month of October, 1874.

Total No. of slips received, 258.

Total No. of slips correct, 258.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
STAHL.

Statement of label slips received on letter packages made up by A. W. Clark during the month of November, 1874.

Total No. of slips received, 270.

Total No. of slips correct, 270.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
STAHL.

Statement of label slips received on letter packages made up by A. W. Clark during the month of December, 1874.

Total No. of slips received, 352.

Total No. of slips correct, 352.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
STAHL.

Statement of label slips received on letter packages made up by A. W. Clark during the month of January, 1875.

Total No. of slips received, 322.

Total No. of slips correct, 322.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
STAHL.

Statement of label slips received on letter packages made up by A. W. Clark during the month of March, 1875.

Total No. of slips received, 361.

Total No. of slips correct, 361.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
B.

Statement of label slips received on letter packages made up by A. W. Clark during the month of April, 1875.

Total No. of slips received, 322.

Total No. of slips correct, 322.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
J. B. B.

Statement of label slips received on letter packages made up by A. W. Clark during the month of May, 1875.

Total No. of slips received, 318.

Total No. of slips correct, 318.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
J. B. B.

Statement of label slips received on letter packages made up by A. W. Clark during the month of June, 1875.

Total No. of slips received, 325.

Total No. of slips correct, 328.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
J. B. B.

Statement of label slips received on letter packages made up by A. W. Clark during the month of July, 1875.

Total No. of slips received, 302.

Total No. of slips correct, 302.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
J. B. B.

Statement of label slips received on letter packages made up by A. W. Clark during the month of August, 1875.

Total No. of slips received, 298.

Total No. of slips correct, 298.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
F.

Statement of label slips received on letter packages made up by A. W. Clark during the month of September, 1875.

Total No. of slips received, 253.

Total No. of slips correct, 253.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
F.

Statement of label slips received on letter packages made up by A. W. Clark during the month of October, 1875.

Total No. of slips received, 353.

Total No. of slips correct, 353.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
F.

Statement of label slips received on letter packages made up by A. W. Clark during the month of November, 1875.

Total No. of slips received, 319.
Total No. of slips correct, 319.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
F.

Statement of label slips received on letter packages made up by A. W. Clark during the month of December, 1875.

Total No. of slips received, 338.
Total No. of slips correct, 338.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
F.

Statement of label slips received on letter packages made up by A. W. Clark during the month of February, 1876.

Total No. of slips received, 367.
Total No. of slips correct, 367.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
F.

Statement of label slips received on letter packages made up by A. W. Clark during the month of March, 1876.

Total No. of slips received, 334.
Total No. of slips correct, 334.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
F.

Statement of label slips received on letter packages made up by A. W. Clark during the month of April, 1876.

Total No. of slips received, 251.
Total No. of slips correct, 251.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
F.

Statement of label slips received on letter packages made up by A. W. Clark during the month of May, 1876.

Total No. of slips received, 324.
Total No. of slips correct, 324.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
F.

Statement of label slips received on letter packages made up by A. W. Clark during the month of June, 1876.

Total No. of slips received, 303.
Total No. of slips correct, 303.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
F.

Statement of label slips received on letter packages made up by A. W. Clark during the month of July, 1876.

Total No. of slips received, 305.
Total No. of slips correct, 305.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
F.

Statement of label slips received on letter packages made up by A. W. Clark during the month of August, 1876.

Total No. of slips received, 312.

Total No. of slips correct, 312.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
F.

Statement of label slips received on letter packages made up by A. W. Clark during the month of September, 1876.

Total No. of slips received, 623.

Total No. of slips correct, 623.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
F.

Statement of label slips received on letter packages made up by A. W. Clark during the month of October, 1876.

Total No. of slips received, 315.

Total No. of slips correct, 315.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
F.

Statement of label slips received on letter packages made up by A. W. Clark, during the month of November, 1876.

Total No. of slips received, 326.

Total No. of slips correct, 326.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
F.

Statement of label slips received on letter packages made up by A. W. Clark, during the month of December, 1876.

Total No. of slips received, 318.

Total No. of slips correct, 318.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
F.

Statement of label slips received on letter packages made up by A. W. Clark, during the month of January, 1877.

Total No. of slips received, 353.

Total No. of slips correct, 353.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
F.

Statement of label slips received on letter packages made up by A. W. Clark, during the month of February, 1877.

Total No. of slips received, 302.

Total No. of slips correct, 302.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
F.

Statement of label slips received on letter packages made up by A. W. Clark, during the month of April, 1877.

Total No. of slips received, 315.

Total No. of slips correct, 315.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
F.

Statement of label slips received on letter packages made up by A. W. Clark, during the month of May, 1877.

Total No. of slips received, 350.
Total No. of slips correct, 350.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
F.

Statement of label slips received on letter packages made up by A. W. Clark, during the month of June, 1877.

Total No. of slips received, 335.
Total No. of slips correct, 335.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
F.

Statement of label slips received on letter packages made up by A. W. Clark, during the month of July, 1877.

Total No. of slips received, 256.
Total No. of slips correct, 256.

THOS. P. CHENEY,
Superintendent Railway Mail Service.
F.

Statement of label slips received on letter packages made up by A. W. Clark, during the month of September, 1877.

Total No. of slips received, 300.
Total No. of slips correct, 300.

THOS. P. CHENEY,
H.

Statement of label slips received on letter packages made up by A. W. Clark, during the month of October, 1877.

Total No. of slips received, 327.
Total No. of slips correct, 327.

THOS. P. CHENEY,
Superintendent.
F.

Statement of label slips received on letter packages made up by A. W. Clark, during the month of November, 1877.

Total No. of slips received, 320
Total No. of slips correct, 320

THOS. P. CHENEY,
Superintendent.
F.

[Telegram.]

THE WESTERN UNION TELEGRAPH COMPANY,
Providence, R. I., December 26, 1877.

To Col. W. H. BIGELOW,
Special Agent Post-Office Department:

Cannot get papers to you until next Saturday.

C. R. BRAYTON.

Affidavits and statements in rebuttal to affidavits, &c., produced by Charles R. Brayton, postmaster at Providence, R. I., by George E. Bray.

Affidavit No. 1 in rebuttal to affidavit No. 1, sworn to by Geo. E. Bray, baggage-master on a. m. mail train, Providence & Worcester Railroad.

Aaron W. Clark, in the city of Providence, county of Providence and State of Rhode Island, being duly sworn, saith that the affidavit sworn to by George E. Bray is false

and as he is guilty of theft and falsehood, his affidavit should be rejected; that in proof thereof see affidavit No. 1 A, sworn to by James Kendall, express-messenger on a. m. mail train, Providence and Worcester Railroad; that said Aaron W. Clark solemnly swears he has repeatedly detected said Geo. E. Bray in the act of stealing articles of merchandise from the express apartment in the car to which said Geo. E. Bray is attached; that said George E. Bray has from time to time brought to the door of the mail apartment of which said A. W. Clark has charge, different articles, such as feather-dusters, gloves, boxes of cigars, articles of jewelry, hats, caps, whips, cardigan jackets, and many other articles of less value, with the statement that he "still has a few friends left," said friends being "drummers" who were at that time passengers occupying seats in the smoking-car conducted by said George E. Bray; that by accepting an equivalent to money, which consisted of the above articles, the railroad company was defrauded out of their just dues. That on one particular occasion about the first of November, 1877, said George E. Bray came to his, said Route Agent Clark's, door in the mail apartment, showing a roll of bank bills, saying he did not care how many times that "son-of-a-bitch," Director Stoddard, cut down the help on the road, he guessed he could live as long as he had the privilege of running the hourly evenings (a train running out six miles, and which made trips late in the evening when no tickets were to be had); that to the certain knowledge of said A. W. Clark, said Geo. E. Bray, conductor of the smoking car on the 7.20 a. m. train, has for several years allowed certain persons to pass over the road in his car by paying said George E. Bray an equivalent to money, which said George E. Bray appropriated to himself; that said Geo. E. Bray informed him, said A. W. Clark, that he "did not really know the substance of the affidavit sworn to," which was drawn up by Chas. R. Brayton, the postmaster at Providence; that said George E. Bray gave said A. W. Clark to understand in plain words that "all he did was to answer questions" in making his sworn affidavit as produced by Chas. R. Brayton and numbered 1; that in rebuttal to a certain clause in said affidavit of said Geo. E. Bray said A. W. Clark said that the fruit taken on at Manville by the express messenger was from the said A. W. Clark's brothers, they being in the fruit business near that station; that said A. W. Clark's father and mother also raised fruit, which was shipped by his, said A. W. Clark's brothers; that said A. W. Clark has received no profit or emolument whatever from this fruit business carried on by his brothers in Cumberland, near Manville, R. I.; that the statement by said Geo. E. Bray in regard to "placing mail locks on peach barrels," and leaving mail compartment unlocked, &c., is a falsehood.

A. W. CLARK.

In Providence, in said county and State, sworn and subscribed before me this 20th day of December, 1877, and I certify that the above was carefully read over to said A. W. Clark.

G. B. BARROWS,
Notary Public.

A.

PROVIDENCE AND WORCESTER RAILROAD COMPANY,
SUPERINTENDENT'S OFFICE,
Providence, R. I., December 25, 1877.

DEAR SIR: I have yours of this date asking as to the character of Geo. Bray, an employé of this company.

The charge made by Mr. Clark and to which you refer is the first intimation I ever received derogatory to the character of Mr. Bray.

I consider Mr. Bray trustworthy and faithful, and know nothing against his integrity or veracity.

He is in our service and no charge has ever been preferred against him.

Yours, truly,

W. D. HILTON,
Superintendent.

C. R. BRAYTON, Esq.,
Postmaster, Providence.

[If the superintendent considered Mr. Bray honest, why did he oblige said Brady to use a registry punch and not require any other conductor on the road to use one? See facts.—A. W. Clark.]

B.

C. R. Brayton, P. M. }

POST-OFFICE,
Providence, R. I., December 26, 1877.

DEAR SIR: Aaron W. Clark, route agent on Providence and Worcester Railroad, in-

sinuates that Geo. E. Bray retained a portion of fares collected when said Bray ran the hourly for you, and is otherwise a man of bad character.

Please reply fully on back of this sheet so I can get it to-morrow a. m.

Respectfully, yours,

C. R. BRAYTON,
Postmaster.

Mr. CHAMBERLAIN,
Conductor Providence and Worcester Railroad.

[Did not state that said Brady was running the hourly for Mr. Chamberlain, but insinuated that he was running it himself, as he, said Bray, gave me to understand that he kept the proceeds.—A. W. Clark, Route Agent.]

C. R. BRAYTON, Esq.,
Postmaster, Providence, R. I. :

DEAR SIR: Mr. Bray I consider an honest and faithful employé. He has not, to my knowledge, ever defaulted or shown himself a man of bad character.

Respectfully, yours,

J. J. CHAMBERLAIN,
Conductor Providence and Worcester Railroad.

DECEMBER 27, 1877.

[Could Mr. Chamberlain say less? He said Bray has "not to his knowledge ever defaulted" or shown himself a bad man. Bad men do not parade their "shortcomings" before their superior officers.—A. W. Clark, Route Agent.]

George E. Bray, of Valley Falls, R. I., deposes and says that he has on one or more occasions taken a peach on the train, but never merchandise. In fact, Kendall, Clark's own witness, swears it was only fruit; * that to prevent this said Clark put United States mail locks on peach barrels; that the crates received at Manville were marked "Return to A. W. Clark, Manville," not to Mrs. A. W. Clark; that said Clark has frequently sent such crates back from Worcester by noon train, which were put off by me at Manville; that said Clark's statement that he, the said Bray, came by articles referred to in his affidavit in an improper way is false, and maliciously so, and that statement attributed to him by said Clark about running the hourly is maliciously false, and that he, the said Bray, reiterates statements made in affidavit previously made, and makes this with a full knowledge of its contents as he did the one previously made.

GEORGE E. BRAY.

In Providence, R. I., this twenty-sixth day of December, 1877, subscribed and sworn to before me, and I certify that above was carefully read over and explained to said affiant before execution.

[SEAL.]

JAMES W. BLACKWOOD,
Notary Public.

[The above affidavit of George E. Bray is not to be considered, as it is shown in two affidavits that he is a thief; and furthermore, that the railroad company do not consider him honest by obliging him to use a "registry punch," when no other conductor on the road is required to use one; that said George E. Bray further perjured himself by saying that he put out crates at Manville, when, if there were any crates for Manville, they would be in the express apartment; but this the postmaster did not know when he made the affidavit.—A. W. Clark.]

JOSEPH ABBOTT, of Providence, R. I., deposes and says that he has been news-agent on the Providence and Worcester Railroad, leaving here on old time at 7.40 and new time at 7.20 a. m., being same train for three years last past; that he runs as far as Waterford and then returns and goes out from Providence at 11.30 a. m. to Worcester, stopping off at Woonsocket and going on to said Worcester in p. m., returning on train due at Providence at 6.05 p. m.; that his headquarters are in the baggage car after supplying the train; that he has seen strawberry crates in the mail apartment of one Aaron W. Clark, route-agent, when said Clark was on duty therein; that he has seen said Clark go on the platform at Manville and assist in loading fruit; that he makes this statement without fear, favor, prejudice, or the hope of reward.

JOSEPH ABBOTT.

["C."]

* This statement is maliciously false. The pattern of lock said Bray has reference to is similar to the mail-lock, and which Bray could not unlock and steal what the lock was intended to protect.—A. W. Clark, Route Agent.]

In said Providence, on this twenty-seventh day of December, 1877, subscribed and sworn to before me, and I certify that above declaration was carefully read over and explained to said affiant by me before execution, and said affiant being examined by me privily and apart from the postmaster at Providence, R. I., declared the above to be his free and voluntary act and deed.

CLINTON D. SELLEW,
Notary Public.

[*Rebuttal to Joseph Abbott.*]

PROVIDENCE, R. I., *January 8th, 1877.*

In conversation with Joseph Abbott, the above affiant, on the 7th of January, he admitted that he was summoned to appear at the post-office, where he found the postmaster and a notary public, the postmaster having the above affidavit already prepared, when he was requested to sign it; and that he denied that he was "examined apart from the postmaster," neither was he "examined privately," a fact which shows that Postmaster Brayton has these affidavits made and "on hand"; and in this case the "key-note" was given by one George E. Bray, the baggage master whose affidavit was impeached.

A. W. CLARK,
Route Agent.]

E.

*JOHN WILLIAM REILLY, of Providence, R. I., deposes and says that he has been "water-boy" on the Providence and Worcester Road since April 9, 1877; that sometimes he assists in "braking" the train; that he leaves Providence on 7.20 a. m., and comes in last at 6.05 p. m.; that he has seen United States mail-locks on peach barrels on said Clark's train when he was on duty; that he has seen said Clark after train left the station, in the baggage department giving directions to the express messenger about peaches that had been placed there when express department was full; that he makes this statement without fear, favor, prejudice, or the hope of reward, and with a full knowledge of its contents.

JOHN W. REILLY.

In Providence, Rhode Island, this 23th day of December, 1877, subscribed and sworn to before me, and I certify that the above declaration was carefully read over and explained to said affiant before execution and privily and apart from the postmaster at Providence, Rhode Island, when said affiant declared the same to be his free and voluntary act and deed.

[SEAL.]

LORIN M. COOK,
Notary Public.

[*Rebuttal to John W. Reilly.*]

PROVIDENCE, R. I., *January 8, 1878.*

See below showing that the above affidavit was made out before any questions were asked, hence it is not valid, as it was made to suit the postmaster at Providence.

A. W. CLARK.]

Affidavit of John W. Reiley showing that the affidavit made over his signature and under date of December 28, 1877, is that of Chas. R. Brayton, and not his.

John W. Reiley, of the city of Providence, R. I., being duly sworn, saith that the affidavit made over his signature and date of December 28, 1877, was wholly prepared before he was asked any questions. That when the question was asked him by the postmaster, "Did you ever see United States mail-locks on peach barrels placed there by A. W. Clark, route agent," he replied "that he could not swear that there were any mail-locks on the peach barrels." That to the question, Did you ever see A. W. Clark when he was on duty go on the platform at Manville and assist in loading fruit?" he replied, "I have not when he was on duty." That when asked "How do you know said Clark was off duty when you say you have seen him assist when not on duty?" he replied, "I knew said Clark was off duty because it was noon time when I have seen him assist in loading fruit." That he, the said John Wm. Reiley, was told by Charles R. Brayton, the postmaster at Providence, that he, the said Reiley, was not supposed to know whether said Clark was on duty or not.

JOHN W. REILLY.

* [For proof that this is Brayton's affidavit, see Reilly's affidavit next page.]—J. W. C.

In Providence, in said county and State of Rhode Island, subscribed and sworn to before me this 10th day of January, 1878.

G. B. BARROWS,
Notary Public.

"F."

William Byers, of Olneyville, R. I., deposes and says that he has been a news-agent on the Providence and Worcester Railroad for one and one-half years last past, leaving Providence at 7.20 a. m., and reaching there last time at 6.05 p. m. That he is well acquainted with Aaron W. Clark, route agent on the train running as above. That he has seen said Clark during the summer of 1877 assist in loading fruit at said Providence from the truck into the door of the car opposite the door of his, said Clark's, mail apartment. That during the summer of 1877 he has seen strawberry crates in his, said Clark's, mail apartment when said Clark was on duty therein, and that he once went in and examined the large fruit. That he has seen said Clark during summer of 1877 leave his apartment and car and assist in loading strawberries at Manville. That he makes this statement without fear, favor, prejudice, or hope of reward, and with a full knowledge of its contents.

WILLIAM BYERS.

In Providence, R. I., this twenty-eighth day of December, 1877, subscribed and sworn to before me, and I certify that above was carefully read over and explained to said affiant by me before execution, and that being examined by me privily and apart from the postmaster at said Providence, R. I., declared the same to be his free and voluntary act and deed.

HENRY R. DAVIS,
Justice of the Peace.

[*Rebuttal to the above.*]

This paper-boy, Wm. Byas, admitted to me this morning that he was summoned to appear at the post-office where the postmaster had the above affidavit already made out, which shows that it was made by Brayton, who included what he attempted to prove by one Bray. Byas states that he was "persuaded to sign it," Brayton telling him that "Clark would not care." This shows that Brayton has affidavits made out and "on hand," &c.

January 9, 1878.

A. W. CLARK.]

No. 2, rebutting No. 2 produced by Chas. R. Brayton, and sworn to by Joseph Case, a clerk in the post-office.

Aaron W. Clark, in the city of Providence, in the county of Providence, and State of Rhode Island, being duly sworn, saith, that the character of Joseph Case, a clerk in the Providence post-office, should be fully considered before his affidavit be accepted as truthful.

1. That said Joseph Case made a statement to him, said A. W. Clark, on one Monday morning during the fall of 1877, and the morning following the Sunday, the evening steamboat left him on the wharf at Rocky Point, that "ale was not a favorite drink with him, but that he could hold his own with any man in drinking whisky."

2. That said A. W. Clark is well satisfied that said Joseph Case was induced by the postmaster at Providence to place in his hand-bag while my back was turned in the Providence post-office on the evening of November 23, an ordinary letter, postmarked at Pawtucket, November 23, and addressed to one "Mrs. Ida Peck, North Attleboro', Mass." That said letter must have been returned from its course to North Attleboro', to the Providence post-office, for some cause, as the postmaster at Pawtucket, R. I., only forwards matter direct to North Attleboro', via the Boston and Providence agents, and never to the Providence post-office. That on this evening said A. W. Clark had been summoned to appear before Special-Agent Bigelow, of the Post Office Department, who had been informed by the postmaster that said A. W. Clark was a thief. That he, said A. W. Clark, has good reasons to believe that if a post-office clerk would be guilty of such an offense he would be guilty of secreting a part of the registered-letter mail that was intended for the signature of said Aaron W. Clark. That said A. W. Clark has good reasons to believe that the matter of delay of three registered letters was a "put-up job," and directed by the postmaster himself.

That it was customary for the registered letter clerk to tie in one package all registered matter for each agent, whose signature would be placed against the same in the registered letter book. That on the morning of October 9, 1877, the registered letter clerk, one Joseph Case, whose affidavit this is intended to rebut, by his own free will, or by direction of the postmaster, tied up two (2) registered letter packages for said A. W.

Clark, route-agent on the Providence and Worcester Railroad. That one of these packages was placed on the top of all the other packages, which was taken and receipted for by said A. W. Clark at the usual hour. That had not this tying up of two packages instead of one been a contrived plan by the postmaster or his clerk, Joseph Case, he could have brought these registered letters to the depot. That said A. W. Clark also has good reasons to believe that the said Joseph Case, clerk in the Providence post-office, was in company with Chas. R. Brayton at the Aldrich House, in the city of Providence, on Sunday p. m., October 14, 1877, when he, said Chas. R. Brayton, became grossly intoxicated, and which occasion ended in a general spree, all of which said A. W. Clark will prove when an opportunity is afforded by the government. That said Joseph Case has allowed himself to send through the mails to certain postal clerks, "invitation cards" from certain lewd women keeping houses of ill-fame in this city. That said Joseph Case is a particular friend and appointee of Postmaster Brayton. That if said Joseph Case would allow himself to deliberately plan and set traps for an agent to fall into, he would easily see said A. W. Clark at Clapp and King's after he, said Clark, had taken his mail, &c., especially as Charles R. Brayton had placed him there in the affidavit for said Case to sign.

A. W. CLARK.

In Providence, in said county, and State of Rhode Island, sworn and subscribed before me this 20th day of December, 1877.

G. B. BARROWS,
Notary Public.

"G."

Joseph Case, early a. m. mail clerk at the Providence, R. I., post-office, declares and says that the statement marked 1 in blue pencil, of one Aaron W. Clarke, in an affidavit sworn to before George B. Barrows, notary public, December 20, 1877, that said Case had any conversation with said Clarke, on any subject whatever, "the morning following the Sunday the evening steamboat left him on the wharf at Rocky Point, is wholly, absolutely, and maliciously false, as said Case was never on shore at said Rocky Point or left there by any evening or other steamboat or conveyance.

That he never placed the letter (referred to in statement No. 2 in blue pencil) in said Clarke's hand-bag, nor was he ever approached either directly or indirectly on this or any similar subject by Postmaster Brayton; the fact that he did not put it in being conclusive that said Case was not induced to place it as alleged, and in fact the postmaster knew nothing of it until after the occurrence, and that on the evening referred to said Case was in the presence and sight of said Clarke all the time, and said Clarke's attention was called to this fact at the time also. That the delay of three registered letters October 9, 1877, was not a "put up job," nor directed by Postmaster Brayton either directly or indirectly, and that said postmaster knew nothing of it until this inexcusable neglect on said Clarke's part was reported. That in response to a question by said Clarke he, the said Case, told the said Clarke that the postmaster was not in the office that a. m. That registered matter for a. m. route agents is prepared by W. K. Browne, night clerk, and that he, the said Case, has nothing to do with tying them up, or any other preparation, they being entered in books by said Browne, as those left by said Clarke were; that said Clarke stated in his, Case's presence, that he could prove that said Brayton had the three registered letters referred to locked up in his private drawer on the a. m. of October 9, 1877, as he has not even attempted this, which lie is to be believed? That he was not at the Aldrich House in the city of Providence with Charles R. Brayton, on the p. m. of October 14, 1877, or at any other time, and never saw said Brayton "grossly intoxicated at that time and place," nor any other, and that this insinuation is on a par with said Clarke's statement about his, the said Case's, being left at Rocky Point, as asserted by said Clarke in No. 1 in blue pencil; that he, the said Case, has frequently, during the past summer, seen mail wagon leave the post-office without said Clarke being thereon, and that since said Case has been the early a. m. clerk, June 25, 1877, said Clarke has taken his letter mail from the case half an hour before closing at 6 a. m., and removed it from the office outside of the mail pouch in violation of the regulations that forbid its being carried outside of the mails; that there was no necessity for this course, as they were taken one hour and fifty minutes before his train left, and he had no drunken clerks to delay his matters on these occasions, but, as said Case believes, he did it so that he could have more time in the a. m. to conduct his fruit business; in fact has seen said Clarke, on more than one occasion, after he had taken letters as above at Clapp and King's fruit-store in Providence, R. I., assisting in handling fruit on said Clapp and King's wagon; that he makes this statement without fear, favor, prejudice, or the hope of reward.

JOSEPH CASE.

In Providence, in the State of Rhode Island, this twenty-second day of December, 1877, subscribed and sworn to before me, and I certify that the above declaration was carefully read over and explained to said Case by me before execution.

CLINTON D. SELLEW,
Notary Public.

Rebuttal to affidavit sworn to by J. Case, a clerk in the Providence post-office, under date of December 22, 1877.

PROVIDENCE, R. I., January 9, 1878.

In conversation with Joseph Case, morning clerk in Providence post-office, on Jan'y 8, 1878, said Case admitted to me that "the place from which he was left by the steamboat captain was farther down the river than Rock Point," and that "I was mistaken about the place." On putting the question direct he remembered well the "conversation," and said he "did not recollect saying that whisky was a favorite drink with him," but that he "liked whisky, and knew how to use it." This admittal is direct from the one who swears to many false statements in order to please the postmaster, who is a particular friend of his, and who gave him the position he now holds. When Case swears that he was "in sight and in the presence of A. W. Clark all the time" when the letter was placed in my hand-bag, he swears to that he knows to be false, as said Case was in the general mailing-room, where I left the hand-bag, and went into the side mailing-room to deliver the registered letters, having taken them from the hand-bag, which was left within three yards of said Case, and no other clerk in sight. As I came out of the side room I met Mr. Case in the doorway going in with the "distribution" mail he had taken from the box, brought in by me in person and placed on the table, where said Case was ready to receive it. I could not have been in the side room more than two minutes, and as Case returned to this room he could have placed his hand on my hand-bag on his way. This letter, postmarked in Pawtucket, R. I., on the same day it was placed in my hand-bag, and directed to North Attleboro, Mass., must have been received in Providence post-office at 8.55 a. m., and could have been forwarded by agent at 4.10 p. m. Now why was this letter delayed? That it might be placed about me somewhere, and there found by Special Agent Bigelow, and it was placed there by Joseph Case, who had a good opportunity to do it and not be seen. On handing him the letter at the time with the accusation that it was put there by him, he colored up, and, stammering, replied that he was not responsible for the act. Now since he did this base act, it is conclusive that he would sign a false affidavit prepared by Postmaster Brayton. The fact that the delay of the registered letters was immediately reported to the postmaster shows that it was "put up" on me, and for further proof see affidavits of route agent, showing that it was customary to tie together the registered matter for each agent, and the book shows that on this morning I received and receipted for one package. The statement that J. Case told me that the postmaster was not in the office that a. m. is false, also the statement that I stated in Case's presence that I "could prove that Postmaster Brayton had the three registered letters locked up in his private drawer." Such a statement is absurd to any one but the postmaster at Providence, who made the statement. The statement that Case has seen the mail wagon "leave the post-office without Clark being thereon" is of no account, as he was not required to accompany only his own mails. The statement by Case that I have taken mail from the letter case "since" June 25, 1877, is false, as it was done only on occasions when the clerk was too much intoxicated to do it, and was behind with his work, and the driver was waiting for the mails. For proof of this, see affidavit made by A. Kennedy, showing that he, Kennedy, the driver, was often obliged to tie up the letter mail or leave it behind. In regard to "insinuations" in Mr. Case's affidavit, I can fully prove that Charles R. Brayton is a "common drunkard" both in and out of the post-office. As this witness has sworn falsely, it will be so considered.

A. W. CLARK,
Route Agent.

"H."

Warren K. Browne, night mail clerk at the Providence, R. I., post-office, depose and says that it is his duty before leaving at midnight to prepare the registered mail for the a. m. route agents and to record the items in the receipt book for their signature; that Joseph Case, or any other clerk doing the early a. m. work, has but to deliver them, and that said Case has nothing to do with their preparation.

WARREN K. BROWNE.

Sworn and subscribed before me in said Providence, this 27th day of December, 1877.

GEO. H. OLNEY,
Notary Public.

* Does said Brown leave the letters exposed on the table overnight or put them in a drawer from whence they are taken by Mr. Case?—"A. W. C."

Rebuttal to the above by W. K. Brown.

PROVIDENCE, R. I., January 9, 1878.

The statement above that Mr. Brown prepares the letters the night before does not prevent an opportunity for Mr. Case to "put up" two packages for an agent when he takes them from the drawer the next morning, two hours before the agents receive them.

A. W. CLARK,
Route Agent.

"I."

KINGSTON, December 25, 1877.

DEAR SIR: I take pleasure in saying that Mr. Joseph Case is a young gentleman of very good capacity, very intelligent, and I believe of perfectly good character in all respects.

Yours, very truly,

E. B. POTTER.

C. R. BRAYTON, Esq.

If there had been anything against Mr. Case's character, he could not have lived here so long without my hearing of it.

Yours,

E. B. P.

I certify that E. B. Potter, above named, is an associate justice of the supreme court of Rhode Island.

C. R. BRAYTON, P. M.

PROVIDENCE, January 9, 1878.

This certifies that Joseph Case was a young man of good character until he came to work with a postmaster who was in the habit of inviting his employes to drink intoxicating liquor, and who kept it in his office where they could help themselves.

A. W. CLARK,
Route Agent.

"J."

PROVIDENCE, December 27, 1877.

Gen. C. R. BRAYTON,

DEAR SIR: I have known Mr. Joseph Case from a boy, and know him to be a man of unquestionable truth and veracity, and with a character above reproach.

Yours, truly,

A. A. GREENMAN,
Of T. F. PEIRCE & CO.,
19 to 25, Arcade.

PROVIDENCE, R. I., January 9, 1878.

Has Mr. Greenman followed Mr. Case day and night since he has been in the post-office? It is as easy to procure such testimonials as it is to obtain false affidavits.

A. W. CLARK,
Route Agent.

Affidavit and statement rebutting affidavit No. 3, sworn to by B. C. Salisbury.

Aaron W. Clark, in the city of Providence, county of Providence and State of Rhode Island, being duly sworn, saith that said B. C. Salisbury must have been mistaken or misunderstood said A. W. Clark, when he understood him, said A. W. Clark, to "voluntarily admit" that the sack of paper matter in question for the Boston and Providence agent was correctly labeled, as that is the point he, said A. W. Clark, has always denied. That one small package of paper matter was directed to "East and No. Attleboro', Taunton and New Bedford" each, the remainder being matter that should be forwarded to Boston under the circumstances. That said B. C. Salisbury stated to said A. W. Clark on the 14th day of December, 1877, that "the sacks of paper matter for the Boston and Providence agent were not tagged until his return from being sick, which was about the time the sack of paper matter in question was missept and delay on account of its not being tagged.

A. W. CLARK.

PROVIDENCE, *sc*:

Subscribed and sworn to in Providence this 20th day of December, 1877.

G. B. BARROWS,
Notary Public.

[That this is false see Salisbury's affidavit on back.—"C. R. B."]

See also affidavit from Salisbury in support of this affidavit, showing it to be true.—
A. W. Clark.]

"K."

B. C. Salisbury, mail clerk at the Providence, R. I., post-office, declares and says that he was not mistaken, or misunderstood one Aaron W. Clarke, route-agent, about a certain sack referred to in a sworn statement made by said Clarke, December 20, 1877, before G. B. Barrows; and that he reiterates that said Clarke voluntarily admitted to him, the said Salisbury, that it was correctly tagged to the Boston and Providence agent, and that it was probably mixed by the messenger; that said Clarke's statement about his return from sickness has nothing to do with this; and that it was a blunder on said Clarke's part after receiving such a sack to send it to Boston, as most of the matter could have been sent by midday mails had he returned it to Providence, as he had an equal opportunity to do; and that said Clark's statement, in the affidavit referred to, that "the sack of paper matter in question was misssent and delayed on account of its not being tagged" is false, and known to be so by said Clark, for he admitted voluntarily, as before stated, that it was correctly tagged to Boston and Providence agent. Whatever may have been the case at other times, said Clark admitted at this one that it was correctly tagged. That he makes this statement without fear, favor prejudice, or the hope of reward.

B. C. SALISBURY.

In Providence, R. I., this twenty-second day of December, 1877, subscribed and sworn to, and I certify that above declaration was carefully read over and explained to said affiant before swearing. Before me.

CLINTON D. SELLEW,
Notary Public.

In rebuttal to affidavit by B. C. Salisbury, of December 22, 1877.

PROVIDENCE, R. I., January 9, 1878.

I here state, as before, that the statement by B. C. Salisbury, paper clerk in the post-office, that I ever admitted that the sack of paper matter was "properly tagged" is false, and to any reasonable person it would appear ridiculous to think that I should make such an admission, when I knew the sack was forwarded daily from the post-office untagged. It is further proven that this neglect was the practice, by the statement of A. Kennedy, mail-messenger from the post-office to depot. For what purpose was this sack of papers tagged on this particular morning, when never before, and not afterwards until the "post-office trouble" commenced? Will the postmaster at Providence inform your honor?

A. W. CLARK,
Route Agent.

Statement of Archie Kennedy, mail messenger, in regard to sacks not being labeled, etc.

PROVIDENCE, R. I., November 27, 1877.

This is to certify that until about the 15th of September, a sack of papers was made up in the Providence post-office for the Boston and Providence agent, the Providence and Worcester agent, and the Providence and Waterbury agent, which were forwarded from the office unlabeled.

A. W. KENNEDY,
Mail Messenger from Post-office to Depot.

** Affidavits and statements rebutting No. 4, sworn to by Wm. N. Bucklin.*

Aaron W. Clark, being duly sworn, saith, that said Wm. N. Bucklin is not a regular clerk in the post-office; that the said Wm. N. Bucklin is at present employed to empty the boxes, &c., and to "face up" and stamp letters; that until very recently said William N. Bucklin has been simply a "hanger-on" around the post-office, doing odd jobs, and engaged mostly by the postmaster in doing outside work, and who has been used by the postmaster to a good advantage for himself, the postmaster, at the State elections; that said William N. Bucklin is a particular friend of the postmaster, who keeps him about the office, he, said Charles R. Brayton, postmaster, being under certain

** For affidavit showing this false see next sheet.—"C. R. B."*

obligations to said William N. Bucklin; that for a short time said William N. Bucklin was placed on the "general delivery" at a salary of \$30 a month; that Charles R. Brayton, the postmaster, had no confidence in his ability and questioned the superintendent of letter-carriers to know if it "would be safe to intrust" said William N. Bucklin with even this simple duty; that said William N. Bucklin has never been considered reliable enough to be placed in any position of trust about the post-office.

A. W. CLARK.

PROVIDENCE, *sc.*:

Subscribed and sworn to in Providence, R. I., this 20th day of December, 1877, before me,

G. B. BARROWS,
Notary Public.

L.

Wm. N. Bucklin, a clerk in Providence, R. I., post-office, declares and says, that he first came in the office as a substitute letter-carrier, whence he was promoted to delivery clerk, where he served faithfully; from there he was promoted to the mail-room, filling the same place that those above him in the mail-room held on entering said room. That he is not a "hanger-on," but a regular-sworn clerk, with duties assigned. That he is not, nor has he been, engaged "mostly" or at all in doing "outside work" by the postmaster, or used in the office to any other advantage than that of the post-office. That he never was employed in State or other politics by said postmaster. That he is not aware of his being a "particular friend of the postmaster"; and that said Brayton, postmaster, is under no obligations whatever to him, the said Bucklin; that the statements of one Aaron W. Clark, route-agent, made in an affidavit before G. B. Barrows, are wholly, absolutely, and maliciously false; that he makes this statement without fear, favor, prejudice, or the hope of reward.

WILLIAM N. BUCKLIN.

In Providence, in the State of Rhode Island, this twenty-second day of December, 1877, personally appeared the above-named Wm. N. Bucklin, who, after hearing the above declaration carefully read over and explained to him by me, subscribed the same, and made solemn oath that it was true, and that he did not wish to retract or amend the same, or any part thereof.

CLINTON D. SELLEW,
Notary Public.

[Said Bucklin was used by Postmaster Brayton to put out flags at headquarters, to take care of the room, and clean torches, &c., and Chas. R. Brayton was greatly indebted to Mr. Bucklin for his position in the Grand Army. See Grand Army boys in Providence.—A. W. Clark.]

Affidavit No. 5.—Rebutting No. 5, sworn to by F. A. Bowen, mail contractor, Providence, R. I.

Aaron W. Clark, a route agent on the Providence and Worcester Railroad, being duly sworn, saith:

That F. A. Bowen, designated by Charles R. Brayton as "messenger," is the contractor, and has never, until very recently, taken any part in carrying the mails from and to the post-office. That said F. A. Bowen has signed a prepared affidavit, stating that said A. W. Clark failed to accompany his mails to the depot at a time when he, the said F. A. Bowen, was spending his time at the seaside. That the said F. A. Bowen has employed men to assist in carrying the mails who were not reliable and would become intoxicated every chance or opportunity they had, as the police records will show. That as late as December 10, 1877, one of said Bowen's assistant messengers came for the Worcester mails in a state of indecent intoxication. That the so-called "Warren and Bristol" mails were given to said F. A. Bowen the first of this month, for reasons best known to Charles R. Brayton.

A. W. CLARK.

PROVIDENCE, *sc.*:

Subscribed and sworn to in Providence this 20th day of December, 1877, before me.

G. B. BARROWS,
Notary Public.

[For rebuttal of this see one filed on back.—"C. R. B."]

M.

F. A. Bowen, mail-messenger at Providence, R. I., post-office, declares and says that Aaron W. Clark's statement, in an affidavit sworn to by him before G. B. Barrows, notary public, December 20, 1877, that said Bowen swore "that said Clark failed to accompany his mails to the depot at a time when he, the said Bowen, was spending his time at the seaside" is wholly, absolutely, and maliciously false, as said Bowen did not go to the seaside,

until July 9, 1877, returning about August 26, 1877, and that failure to accompany mails referred to was in June, 1877, which is one of the summer months, as sworn to in said Bowen's affidavit. That he has also seen the mail wagon without said Clark when carrying over Worcester mails in early a. m. in September, 1877, and that it was not until the middle of latter part of September, 1877, that said Clark pretended to accompany his mails to the depot. "That said Clark was in the habit of intrusting the alleged unreliable men, whom said Clark says became intoxicated at every chance, with the key to his car, so that they could put the mails in when said Clark was absent, thus corroborating Kennedy and Benchley in their affidavits that they had found Clark absent from his car when they came with the mails, and were obliged to leave them unprotected. That the "Warren and Bristol" mails was put on him December 1, 1877, the same as were the Boston and Providence and Stoughton Railroads, when said roads declined to transport them, as they had previously done, and that the reason why he carries "Warren and Bristol" mail since December 1, 1877, is because of declination of said road to do it, and that any statement insinuating that it is due to improper motives or reasons on the part of Postmaster Brayton is wholly, absolutely, and maliciously false. That he makes this statement without fear, favor, prejudice, or the hope of reward.

F. A. BOWEN.

In Providence, in the State of Rhode Island, subscribed and sworn to before me this 24th day of December, 1877, and I certify that above declaration was carefully read over and explained to said affiant before execution.

[SEAL.]

WALTER R. STINELL.

This affidavit was prepared and worded by Postmaster Brayton and then taken to Bowen to sign (see different colored ink), and is false.

A. W. CLARK,
Route Agent.

Affidavit rebutting that of F. A. Bowen, a mail-messenger in the city of Providence, sworn to December 24, 1877.

Aaron W. Clark, a mail-route agent on Providence and Worcester Railroad, being duly sworn, saith, that he, the said A. W. Clark, has had an interview with one F. A. Bowen, a mail-messenger in the city of Providence, which took place on the evening of January 9, 1878; that the said F. A. Bowen made the following replies to the questions—Did you intend to swear in your affidavit of the 24th of December that A. W. Clark, mail route-agent, intrusted the assistant messengers with a key to his mail-car? Answer. "All I knew about it is what the boys told me." Question. Did "the boys" tell you that A. W. Clark, route-agent, furnished them with a key to his mail-car? Answer. "No; they told me they received the key from Judge Russell." Question. Who was this "Judge Russell"? Answer. "A man that worked for me in the express business." Question. Was this key a key to the mail apartment? Answer. "No; but it was a key to the express and baggage car."

A. W. CLARK,
Route Agent.

PROVIDENCE, R. I., January 10, 1878.

I certify that I was a witness to the above conversation.

JOSEPH A. RAZEE.

In Providence, in said county and State of Rhode Island, subscribed and sworn to before me this 10th day of January, 1878.

FRANKLIN P. OWEN,
Notary Public.

Affidavit rebutting No. 6, sworn to by Frank Benchley, who occasionally assisted in carrying the mails to and from the post-office.

Aaron W. Clark, a route-agent on the Providence and Worcester Railroad, being duly sworn, saith, that the said Aaron W. Clark gives good and sufficient reasons why said Frank Benchley did not find the said Aaron W. Clark at his mail apartment on one particular occasion during the past summer.

† See affidavit No. 10 in rebuttal to No. 10, sworn to by one Achibald Kennedy, the mail-messenger, Providence, R. I.

That he said A. W. Clark's reasons for not accompanying his mails are also shown in said affidavit No. 10.

A. W. CLARK.

* Postmaster Brayton's language and not Bowen's, and is false.—A. W. C.

† That this is false, see affidavit on back, or those filed with No. 10.—"C. R. B."

PROVIDENCE, *sc*:

Subscribed and sworn to in Providence this 20th day of December, 1877, before me.

G. B. BARROWS,
Notary Public.

F. A. Bowen, mail-messenger at the Providence, R. I., post-office, declares and says that Frank B. Benchley was a regular assistant messenger, and as such, took his turn in carrying the mails; that he is informed and believes that said Clark having failed to find anything about the said Benchley derogatory to his, said Benchley's character, has made the foregoing affidavit with a view to weaken his, said Benchley's affidavit. As it is in evidence that said Clark intrusted key to his car to the assistant messengers, can it be doubted that Benchley told the truth when he swore said Clark was absent from his car; if not in habit of, absenting himself from his car, why did he furnish assistants with a key to his car?

F. A. BOWEN.

PROVIDENCE, R. I., *sc*:

Sworn and subscribed before me this 24th day of December, 1877, and I certify that above was carefully read over and explained to said Bowen before execution.

[SEAL.]

WALTER R. STINELL,
Notary Public.

[It is easy to recognize the language in this affidavit to be that of Charles R. Brayton, and it is false, as no man was ever intrusted with my car key, and Benchley only admitted finding me gone but once, which occasion was explained; the cause being a blunder in the Providence post-office.—A. W. Clark, route agent.]

A statement in rebuttal to No. 7, registry of departure.

Aaron W. Clark, being duly sworn, saith, that although the register of departure reads, "hour of departure, 6 a. m.," the registry and departure were frequently made as late as 6.30 a. m., as the time of departure varied from 6.25 a. m. to 6.45 a. m.; that the time carried out on register, "6 a. m.," was so fixed to correspond with the time of "closing the mails," 6 a. m.; that this was the practice at that time, see registry of J. O. Spencer, relief agent, on same page, which does not vary one second; that for further proof that it was the practice of other route-agents to have one fixed hour to affix on the registry-book of "departure," &c., see the book, where the hour does not vary one second during the entire month at the time this register is to cover; that orders for fruit could be left at Clapp & King's as late as 6.25 a. m., and before the "signing out" was made in the registry-book of departure; that the usual hour of departure from the post-office with the mails for the Providence and Worcester Railroad was about 6.35 a. m.,* but the time depended much on the condition of the messenger, as he was frequently too much intoxicated to read the labels on the mails, which I call on the most Supreme Being to bear me witness; that this is the grade of help one F. A. Bowen, contractor for carrying the mails, and not messenger, as placed by Charles R. Brayton in affidavit No. 5, has engaged to take charge of the mails when he has spent his summers at the seaside; that this kind of help has been employed because they could be hired for their board and the privilege of getting intoxicated whenever they liked.

A. W. CLARK.

In Providence, in said county and State, sworn and subscribed before me this 20th day of December, 1877, and I certify that the above affiant, after having the above declaration read over to him, declared the same to be correct.

G. B. BARROWS,
Notary Public.

I submit that the above only proves that said Clark recorded a false time in violation of section 21, regulations June 1, 1875, and August 7, 1877, which requires register to be made at the time; but this makes no difference, as A. H. King swears in No. 8, herewith, that Clark purchased fruit after the hour said Clark admits he signed the books.

Respectfully,

C. R. BRAYTON.

* That Clark intrusted this alleged intoxicated man with key to his car, see George Edwards' affidavit.—"C. R. B."

Brayton's affidavit, made over Edward's x mark, took advantage of this man because he could not read or write. Statement about key false.—"A. W. C."

Postmaster Brayton alludes to an order issued a month later than date of order, and later than the time covered by registry, which were fully complied with after received. As to statement of "A. King," it is not to be allowed, as he drinks intoxicating drinks with the postmaster, and is not honest in his business transactions. See statement in rebuttal to one made by King.

A. W. CLARK.
Route Agent.

JANUARY 9, 1878.

A statement in regard to bill of goods bought at Clapp & King's fruit store. See document No. 8.

Aaron W. Clark, in the city of Providence, county of Providence, and State of Rhode Island, being duly sworn, saith that said bill of fruit was purchased between the hours of 5.30 a.m. and 6.15 a. m.; that from said Clapp & King's said Aaron W. Clark always went to the post-office, when he signed the registry book and accompanied the mails to the depot; that these mails at that time were usually forwarded from the post-office between the hours of 6.30 a. m. and 6.40 a. m.; that said bill of goods was bargained for before said A. W. Clark went on duty in the morning; he, said Clark, having signed the book on these occasions as late as 6.25 a. m., and caused the date to read "6 a. m.," in order to correspond with the hour of closing the mails, "6 a. m." (See J. O. Spencer, relief route-agent, did the same thing on this same register.) That said bill of fruit was purchased on orders, from which there was no profit or emolument to said Aaron W. Clark.

A. W. CLARK.

In Providence, said county and State of Rhode Island, sworn and subscribed before me this 20th day of December, 1877.

G. B. BARROWS,
Notary Public.

Rebuttal to affidavit made by Austin King, fruit dealer.

PROVIDENCE, R. I., January 9, 1877.

I make no hesitation in declaring this, King's, affidavit false, and moreover, he, King, knew he was signing a false statement. King knows well enough that what little fruit I have bought at his store was bought before I went on duty, for I have repeatedly told him "my time was up and I must go to the post-office for my mails." This was admitted by Mr. Perrin, the bookkeeper, who said to me that he would give me a writing to that effect, but he "had made one statement for the firm, and they might not like it." King is also well aware that he never shipped an article of fruit in my name. When Austin King says that I bought fruit at his store as late as 7.15 a. m. he testifies falsely. And the statement that "King would take me on his wagon" on these occasions to the car, and "on one occasion reached there as the train was moving," is also false. Had Brayton known when he worded King's affidavit that King himself never went to the depot with fruit, he, Brayton, would not have made King catch himself in a lie, when he, King, says he fixed the price on fruit so I could make a margin or profit. How does he know, unless he received the money from the sale? The fact is, Brayton does not understand profit, only when he cuts down the clerks in the post-office and gives his father a seat in the money-order room at a salary of \$1.00 per year, when the head clerk, George Kendall, having been in the post-office twenty-five or thirty years, receives less than \$1,500. That I left my registered-letter bag, or satchel, one p. m. in King's store, shows that I was off duty and there were no letters in it. This simply shows that both Brayton and King are hard up for affidavit material. When I was through work at night I asked Mr. King if he would allow me to leave my private satchel (Brayton gives it the name of "registered-letter satchel") in his office while I went to the boat-landing for my folks, said King's store being on my way home. So much for the great crime (?). Which is true, the bookkeeper for Clapp & King stated in first affidavit, that the fruit was bought before 6.30 a. m., and now King says it was bought nearly an hour later; which is the truthful statement? The truth is just here: King means to injure me and favor Brayton. He desires to injure me because he feels sore over a little trouble I had with him last summer, viz, my brother came to the city and made arrangements with King to sell his berries for him, he, King, agreeing to allow him "what he sold for, with a light margin to himself"; well, he sent the berries to him, and when he, my brother, came to settle with King, he had allowed him 9 cents for berries he sold for 20 and 25c. Knowing this to be a fact, I took up the matter, and was obliged to show that King was dishonest by this transaction. Hence his desire to injure me with false statements and his desire to please Brayton, because they are men of the same stamp, and King drinks intoxicating

liquors in the private office of the postmaster (Brayton). In order to show that Austin King was one of a party of ten that drank "21" bottles of wine in the postmaster's private office on the eve of May 5th, 1877, I postponed the investigation against Brayton until power to reach these parties was obtained. This "high time" ended in a general spree, and Austin King had to be led across the way to his store. Can prove this, and will do it at the proper time. On another occasion, when I went to the postmaster's room to borrow blanks for Worcester post-office, I saw King in Brayton's office and holding up a glass containing liquor of some kind, said, "not a bad color, Clark; here's luck to you." Such is the stamp of affiants Brayton has, with now and then a water-boy or newsboy. Under the circumstances, should King's affidavit be allowed?

A. W. CLARK,

Route Agent.

*AUSTIN H. KING, of Providence, Providence County, Rhode Island, deposes and says that he is one of the firm of Clapp & King, wholesale and retail fruit-dealers and confectioners doing business at Nos. 11 and 13 Weybosset street, in said Providence, for the last 13 years; that he manages the business here, his partner, Mr. Clapp, attending to that portion of it carried on in New York City, State of New York; that during the fruit season he is constantly in attendance at his store, especially in the early a. m., when fruit reaches us from said New York City; that he has sold one Aaron W. Clark, route agent on the Providence and Worcester Railroad, leaving said Providence at 7.20 a. m., large quantities of fruit at wholesale during the summer of 1877, and that he knew no one but said Clark in the transactions, nor did said Clark ever represent himself as the agent of any one else, making his purchases in his own name, and paying for them the same as other customers; that said Clark's purchases were usually made between the hours of 6 and 7.15 a. m., and that he has sold said Clark fruit as late as 7.15 a. m., when he would take said Clark on his, said King's, wagon to said Clark's car and that one morning in particular he reached the train when it was in motion before fruit was all loaded, said Clark being on his, said King's, wagon at the time; that Clark has frequently directed him to forward fruit to parties, he, Clark, indicating whom, and when asked by him, said King, to whom he should charge them, said Clark answered "to himself," and requested him, the said King, to fix the price so the said Clark could make a profit, which he, the said King, did, said Clark subsequently paying for such goods as were sent.

That it is well known that said Clark has been in the fruit business during the last summer, he shipping fruit to and from said Providence, and that his entire business with our firm has been done in his own name for his own profit and emolument, and at times when his official duty called him elsewhere, as in case where he came near losing his train by stopping to buy fruit, and on another occasion in the p. m. when said Clark left his registered letter satchel at his said King's store, which said registered-letter satchel he, said King, although not a sworn employé of the post-office department, placed in a safe and secure place until Clark came for it; that said Clark has frequently during the summer of 1877 assisted in handling fruit at our store between the hours of 6 and 7 a. m., doing this to facilitate the dispatch of his own purchases, and that when said Clark swears he purchased no fruit after 6.30 a. m., and that there was no profit or emolument to him, the said Clark, therein, he swears to what is false; that within two months last past said Clark approached him, the said King, with an intimation that he, the said Clark, wished that he, the said King, would not give information as to his, said Clark's, being engaged in the fruit business; that he, the said King, makes this statement without fear, favor, prejudice, or the hope of reward.

AUSTIN H. KING.

In the city of Providence, in said county and State, subscribed and sworn to before me this 28th day of December, 1877, and I certify that the above declaration was carefully read over and explained to said affiant before execution. I further certify that said affiant is a respectable and credible person.

CLINTON D. SELLEW,
Notary Public.

* For rebuttal see affidavit preceding this.—A. W. C.

† False. B's statement.—C.

‡ This is Brayton's statement, and he did not know that King himself never went with goods for any one to the depot, and is false.—A. W. C.

§ Who gives the name to the satchel "reg. letter S," King or Brayton? As he, King, says it was left one p. m., and when off duty at night, and it being my own private satchel, I had a perfect right to leave it. It was empty, and I asked Mr. King to let me leave it there while I went to the boat-landing for my folks.—A. W. C.

|| But will defraud. See affidavit in rebuttal.—A. W. C.

Affidavit and statement in rebuttal to No. 9, produced by Chas. R. Brayton, postmaster, Providence, and sworn to by one Waldo L. Gates.

Rebuttal to No. 9 by Waldo L. Gates, freight agent, Providence and Worcester Railroad.

AARON W. CLARK, in the city of Providence, county of Providence, and State of Rhode Island, being duly sworn, saith that the affidavit sworn to by Waldo L. Gates is false in every particular; that he, said Aaron W. Clark, has not the pleasure (?) of the acquaintance of this worthy (?) freight agent, Waldo L. Gates; that he, the said Waldo L. Gates, has never been permitted to sit in his, the said A. W. Clark's, mail apartment, and that he never even entered therein, only on one occasion, and that when General Burnside, who was introduced by the conductor, and who was occupying his chair; *that on this occasion—which took place some three years ago—and before the orders now in force excluding every one from the mail apartments were issued, this said Waldo L. Gates made himself officious and particularly offensive by trying to force conversation with the honorable A. E. Burnside, who did not have the honor of knowing this freight agent, Waldo L. Gates; that with this exception said Waldo L. Gates has never stepped his foot inside the mail apartment when said A. W. Clark has been on duty; that the statement by said Waldo L. Gates that he has "seen crates of berries in said Clark's mail apartment," and seen him "receive and deliver therein," &c., is a falsehood, as shown in affidavit No. 1, sworn to by one James Kendall, an express messenger on the morning mail train, Providence and Worcester Railroad. That the fruit said Waldo L. Gates had "his attention called to at Clapp & King's one evening last summer," was fruit shipped by his, said Clark's, brothers at Manville, R. I., one of which came to the city and made arrangements with Mr. King, of the firm of Clapp & King, to handle his fruit for him. That his, the said Aaron W. Clark's father, mother, and two brothers are engaged lightly in raising strawberries in Cumberland, R. I., near Manville, and who ship their fruit at this station, using crates, &c., marked in their own names, even said A. W. Clark's mother using crates marked in her own name, A. W. Clark, meaning Alpha W. Clark. That Waldo L. Gates and Chas. R. Brayton to the contrary notwithstanding, he, the said A. W. Clark, has never received either profit or emolument from the "extensive (?) fruit business" carried on by members of his family at Manville. That after a recent investigation of the business affairs of the Providence and Worcester Railroad Company by the directors of said road, one Waldo L. Gates, a freight agent, and who signs his name to the ingeniously prepared affidavit No. 9, by Charles R. Brayton, was requested to resign, which resignation is to take effect January 1, 1878. That the cause for requiring this resignation is best known to the directors of the road, but it is rumored from high officials to the newsboys on the train, that the cause of this removal is default. That it is also rumored that said Waldo L. Gates has had tendered him the position of superintendent of carriers in Providence post-office, vice Wm. Richardson, removed, hence his willingness to sign an affidavit wholly prepared by Chas. R. Brayton, postmaster, and nearly a fac-simile of the one said Chas. R. Brayton prepared for one Geo. E. Bray to sign (No. 1), the said Geo. E. Bray admitting that he did "not know what he was signing and only answered questions."

A. W. CLARK.

In Providence, in said county and State of Rhode Island, sworn to and subscribed before me this 20th day of December, 1877.

G. B. BARROWS,
Notary Public.

P.

Waldo L. Gates, of Providence, in the county of Providence, and State of Rhode Island, being duly sworn, on his oath saith that he, the said Gates, has, repeatedly been in the mail apartment of one Aaron W. Clarke, route agent on the Providence and Worcester Railroad, while said Clarke was on duty therein, said Clarke's statement to the contrary notwithstanding, † and that he submits, if said Clarke did not have the pleasure of his, the said Gates', acquaintance, how does said Clarke know whether said Gates was in said Clarke's mail apartment or not? That the statement of said Clarke in an affidavit sworn to before one Geo. B. Barrows, notary public, in Providence,

* That this is false, see 3 affidavits on back of this.—C. R. B.

† False.—A. W. C.

‡ Can know a man "by sight" and know him to be guilty of making false affidavits and not have the pleasure (?) of his acquaintance.—A. W. C.

R. I., December 20, 1877, "that said Gates made himself officious and particularly offensive to Gen. A. E. Burnside, is wholly and absolutely false. That the sworn statement of one James Kendall, prepared and written by said Clarke (which shows its disinterestedness), that said Kendall did not see crates of berries in said Clarke's mail compartment, and that said Kendall has no "knowledge" of said Clarke's assisting in loading and unloading fruit, &c., is no evidence that said Clarke did not do it, as many hundred men could also truly swear they did not see said Clarke do the things charged; and it is particularly noticeable that said Kendall only swears to what he did not see and to what he does not know, not to what he did. That the fruit that said Clarke admits he called his the said Gates' attention to at Clapp & King's one evening was claimed by said Clarke to belong to him, the said Clarke, and not to said Clarke's father, mother, brothers, or aunts. That the statements in 3d page of affidavit encircled in blue pencil, viz, as to his, said Gates, being requested to resign, as to his removal for default, and his receiving tender of appointment of superintendent of letter-carriers at the Providence, R. I., post-office, is wholly, absolutely, and maliciously false, as fully appears from § statement of the superintendent of the Providence and Worcester Railroad herewith, and the insinuating manner in which they are stated shows that he dare not state them as facts in a manly way. That he makes this statement without fear, favor, prejudice, or the hope of reward, and with a full knowledge of its contents.

WALDO L. GATES.

In Providence, in said county and State, on this 21st day of December, 1877, personally appeared Waldo L. Gates above named, who, after having above declaration carefully read over and explained to him by me, subscribed the same and made solemn oath that it was true, and that it was his voluntary act and deed, and that he did not wish to retract or amend the same or any part thereof.

Before me.

[SEAL.]

CLINTON D. SELLEW,
Notary Public.

Q.

The undersigned, Wm. D. Hilton, superintendent of the Providence and Worcester Railroad, doth hereby declare and say that he is and has been personally acquainted for the five years last past with Waldo L. Gates, and knows him, the said Gates, to be a man of truth and veracity; and further, that the said Gates has never been requested to resign his position as freight agent of the Providence and Worcester Railroad, and that no investigation has ever been made or deemed necessary to be made by the directors of the said Providence and Worcester Railroad into the character or official actions of the said Gates as agent of the said Providence and Worcester Railroad or otherwise. And further, that the said Gates has remained in the employ of the said Providence and Worcester Railroad Company during the five months last past by special request as agent at Providence, and will so continue as long as he may desire.

W. D. HILTON,

Superintendent Providence and Worcester Railroad.

STATE OF RHODE ISLAND, &c.,

County of Providence, ss.:

Subscribed and sworn to this 21st day of December, A. D. 1877.

Before me.

[SEAL.]

JOHN C. PURKIS,
Notary Public.

[The above superintendent is a particular friend of Mr. Gates and has used his influence to hold him in office when it was the desire of the directors to have him removed. Also that the directors of the railroad removed nearly all the power from the superintendent, they being dissatisfied with his management, as they were also dissatisfied with

* Said Gates did make himself particularly offensive to Gen. Burnside by standing in front of him and forcing conversation, when the Gen. wanted rest.—A. W. Clark.

† Does it sound reasonable that Clark could "load and unload" fruit into and out of the express apartment and the messenger, James Kendall, not know it.—A. W. C.

‡ False.—A. W. C.

§ This is'ows that the affidavit was made before the superintendent or "president" of the road were requested to support Gates, and the president and directors of the road would not give such a statement. I here state that the superintendent of the railroad and Gates are fast friends and said superintendent managed to keep Gates in office.—A. W. Clark.

Mr. Gates. See Gates' affidavit showing that the president of the road would not support him.

A. W. CLARK.]

R.

Charles R. Brayton, of Providence and State of Rhode Island, being duly sworn, on his oath saith: That the insinuation of one Aaron W. Clarke, route agent, in an affidavit made before George B. Barrows, December 20, 1877, that Waldo L. Gates has been tendered "the position of superintendent of carriers in the Providence post-office, vice Richardson, discharged for incompetency," is wholly, absolutely and maliciously false.* That the position was filled by the appointment of F. C. Rider the evening said Richardson was discharged, and that the marked increase in the efficiency of the carrier service since said Richardson's discharge will insure Mr. Rider's retention.

C. R. BRAYTON.

In Providence, in said county and State, personally appeared Charles R. Brayton, above named, and made solemn oath that above declaration was true, after he had subscribed to the same.

CLINTON D. SELLEW,
Notary Public.

F. C. Rider, of Providence, in said county and State, being duly sworn, on his oath saith that the within affidavit of C. R. Brayton so far as it relates to my succeeding one William A. Richardson as superintendent of carriers at Providence. R. I., post-office, on the ninth day of December, 1877, is wholly and strictly true.

F. C. RIDER.

In Providence, in said county and State, sworn and subscribed to before me this 21st day of December, 1877.

CLINTON D. SELLEW,
Notary Public.

Statement and affidavit rebutting No. 10, sworn to by Archibald Kennedy, mail messenger.

Aaron W. Clark, in the city of Providence, county of Providence, and State of Rhode Island, being duly sworn, saith:

That Archibald Kennedy is the head messenger, instead of the "assistant messenger," as set forth by Charles R. Brayton; that he, the said Archibald Kennedy, has for months in succession had charge of carrying the mails from the post-office to the depot, and from the depot to the post-office; that the said A. Kennedy has had the entire charge of the mails when the contractor, one F. A. Bowen, has spent the summer at the seaside; that the said Archibald Kennedy is a faithful and reliable young man and has always shown an interest in the dispatch of mails, &c.; § that he, the said A. W. Clark, has omitted to accompany his mails from the post-office to the depot only because of his having taken the letter-mail from the post-office in order to get time to assort it before the train reached the first station; that this was frequently done when the clerk in charge of the entire letter and registered letter mail was too much ¶ intoxicated to tie up the mail in the cases, and said Clark has taken it in his hand-bag, loose, to his car; ¶ that on several such occasions the said Archi-

*It is as easy for Brayton to say a statement is false as it is for him to prepare false affidavits and keep them on hand ready to be sworn to.—A. W. C.

†The advertised letter list shows the "marked increase in the efficiency of the carrier service," which is supported by complaints of parties having their letters advertised when they are well known in the city.—A. W. Clark.

‡That said Kennedy changed off with Benchly last summer in carrying Worcester mails see Benchly's affidavit herewith, and Kennedy's also.—C. R. B.

§J. O. Spencer was shown to be a party of three who conspired in the Providence post-office, the postmaster being one, to injure Route-Agent A. W. Clark, said Spencer neglecting more important duties. (See Thomas P. Cheney, superintendent railway mail service, Boston).—A. W. C.

¶That it was unnecessary to take mail prior to wagon, see affidavit of J. O. Spencer, relief agent, filed with No. 11.—C. R. B.

¶Clark's reliable man, Kennedy, swears in an affidavit herewith that he has seen no intoxicated clerks for a year, and never helped, but once, and then at Clark's request.—C. R. B.

Also swears has repeatedly seen Brayton intoxicated in post-office.—A. W. C.

* Kennedy swears he never did it but once, and then at Clark's request, who was sober.—C. R. B.

False; this statement does not appear.—A. W. C.

bald Kennedy, the head mail messenger, and himself, the said A. W. Clark, have tied up the entire letter mail in the Providence post-office for the three route agents running out of the city. (See inclosed copy of a sworn affidavit now in possession of said A. W. Clark.) That it was the practice of all other agents on the morning trains to go to their car in advance of the wagon, taking such mail as would facilitate in the distribution; *that he, the said A. W. Clark, has invariably accompanied his mails from the depot to the post-office; that on one occasion during the past summer, while he, the said Clark, was distributing the letter mail which he had carried to his car, he discovered a package of letters marked on the "slip" "Providence and Waterbury agent," said package being made up and put in the wrong "box" in the Providence post-office; that on his way to the other end of the depot to deliver the package to the Providence and Waterbury agent, said Clark met in the depot Archibald Kennedy, the mail messenger, and one Frank Benchly (see affidavit No. 6, produced by Chas. R. Brayton) with the mails for the Providence and Worcester agent; † that this was the first morning said Frank Benchly had assisted in carrying the mails, said Archibald Kennedy introducing said Frank Benchly as his "striker"; that the said A. W. Clark could not have been gone more than two (2) minutes, and on his return to the car met within a car's length of the mail apartment door the said A. Kennedy and Frank Benchly, Kennedy wheeling the empty truck; ‡ that the inside door to said A. W. Clark's mail apartment was locked, and when the mails were placed inside the outer door, as they were, and the door being closed, the mails were secure, the end car doors being locked; that had the side door through which these mails were placed been left open, the mails would not have been out of sight of said A. W. Clark, route agent, after they were abandoned by the messengers; § that said Clark has paid messengers "sums of money" on being asked for "ten cents to buy tobacco," and when said Clark did not have "ten cents" would give the next smallest piece he had; ¶ that said A. Kennedy knew well enough what "he intended to say" when he signed the certificate showing that said A. W. Clark did accompany his mails from front of post-office to depot, and that to admit that said A. W. Clark accompanied his mails from front of Clapp & King's is equivalent to saying that he accompanied the mails from front of post-office, as Clapp & King's is nearly opposite the post-office and only twelve steps from sidewalk in front of post-office to sidewalk in front of Clapp & King's; ¶ that said Archibald Kennedy, head messenger, was induced to sign the affidavit previously prepared by the postmaster, Chas. R. Brayton, by fear of losing his situation.—A. W. Clark.

In Providence, in said county and State, sworn and subscribed before me this 20th day of December, 1877, and I certify that the above declaration was read over and explained, &c., to said affiant by me.

G. B. BARROWS,
Notary Public.

Copy of affidavit sworn to by Archibald W. Kennedy.

PROVIDENCE, R. I.
December 1, 1877.

ARCHIBALD W. KENNEDY, in the city of Providence, county of Providence, and State of Rhode Island, being duly sworn, saith:

* Benchly swears herewith that Clark did not invariably accompany his mails from depot to the post-office.—C. R. B.

False swearing.—A. W. C.

† See Benchly's affidavit that was not one of the times sworn to by Benchly.—C. R. B. Benchly not reliable; was removed because could not be trusted with the money received for express business. Bowen's statement to Clark.—A. W. C.

‡ Geo. Edwards, Clark's witness, swears that he had key to put wood in car when Clark was absent and out of sight.—C. R. B.

§ Clark's reliable man, Kennedy, swears that this liberality broke out only after Clark's trouble with post-office.—C. R. B.

¶ Clark swears above that Kennedy is reliable, and in this paragraph attempts to discredit his testimony.—C. R. B.

See conversation with Edwards, January 9, 1878, showing that he did not have a key to mail car, and the key to baggage room was not furnished by Clark.—Clark.

¶ That this is false, see Kennedy's affidavit herewith.—C. R. B.

Which was made out by the postmaster several days before signed, and to read to suit the postmaster, as was the one made out for one J. Wm. Reiley, a water-boy on the Providence and Worcester Railroad. See his affidavit, dated January 10, 1878.—A. W. C.

*That he, the said Archibald W. Kennedy, mail messenger, has seen one Richard Jackson, a clerk in the Providence post-office, so much intoxicated that he, the said Richard Jackson, was unable to tie up his letter mail, when he, the said Archibald W. Kennedy, has done it for him.

(Signed)

ARCHIBALD W. KENNEDY.

PROVIDENCE, *sc.* :

Subscribed and sworn to in Providence this first day of December, 1877.

Before me.

(Signed)

G. B. BARROWS,

Notary Public.

RICHARD JACKSON, of Providence, R. I., deposes and says that he was the early a. m., mailing clerk at Providence, R. I., post-office for a time prior to June 25, 1877. †That he has seen one Aaron W. Clark, route agent, at least four mornings in a single week during the last summer at Clapp & King's fruit store between 6 and 7.20 a. m. examining fruit, and one morning assisting in loading some into a wagon. That said Clark has frequently taken letter mail from the office, before advertised closing, outside the mail pouch, in violation of the regulations, and at times when he did not have the excuse of drunken clerks. ‡That the said Jackson has heard said Clark during last year, in the mailing room at the Providence, R. I., post-office, abuse Thomas P. Cheney, assistant superintendent of railway mail service, his superior officer, the drift of his statements being that said Cheney did not know his business; that said Cheney made a sinecure of his position by not attending personally to its duties; that he took inefficient postal clerks and route agents who were said Cheney's pets, and put them in said Cheney's office to boss route agents. That said Clark made up his matter coming in the poorest of any route agent running into the office until he was reported by Postmaster Brayton, since which he has done it much better, showing that he could before if he had cared to have done so. §That said Clark invited him, the said Jackson, repeatedly the same day at Worcester, Mass., to drink intoxicating liquors, said Clark also drinking with him. That he makes this statement without fear, favor, prejudice, or the hope of reward, and with a full knowledge of its contents.

RICHARD JACKSON.

In Providence, in the State of Rhode Island, this the 24th day of December, 1877, subscribed and sworn to before me; and I certify that the above declaration was carefully read over and explained to said affiant by me before execution, and that he declared the same to be his free and voluntary act and deed, and that he did not wish to retract or amend the same or any part thereof.

[SEAL.]

WALTER R. STINELL,

Notary Public.

T.

Frank N. Benchley, late assistant messenger at the Providence, R. I., post-office declares and says that in said capacity he frequently carried the mails alone to the Providence and Worcester agent, one Kennedy taking the Boston and the Waterbury. ¶That frequently during the last summer I have found Aaron W. Clark, route agent, absent from his car and not in sight, and did not come to car while he was there, obliging him to leave mails unprotected outside his, said Clark's, mail apartment.

* That this occurrence took place a year ago, see affidavit of the Clark's reliable Kennedy herewith.—C. R. B.

Affidavit of Brayton over Kennedy's signature.—A. W. C.

†This statement is false and plain to be seen, made so by a revengeful spirit, as this is the clerk that was intoxicated four mornings in a week, and so much so that he could not tell whether Clark was loading or unloading fruit.—A. W. C.

‡A false statement, and the language used by me in a complaint several months ago that Brayton was abusing his superior officer, Thomas P. Cheney, and this Jackson swears falsely. Brayton did not make this read right, and Jackson could not copy, as he would be caught as to time, &c. Jackson is bound to make this a false affidavit, and at the same time knows he has been intoxicated in the post-office within the past month.—A. W. C.

§That the statement by Jackson that Clark drank intoxicating liquors when he went to Worcester nine years ago is false, as neither Clark or Jackson drank liquors of any kind.—A. W. Clark, Route Agent.

¶Statement by Brayton, signed by Frank Benchley, and false. Benchley, not being a reliable man, was not intrusted with the mails alone.—A. W. Clark.

That on these mornings said Clark failed to accompany his mails to the depot,* and that he has frequently seen said Clark on a load of melons while the mails were going over; said loads of melons being on Weybosset street, which accounts for said Clark's absence from his car when mails reached it. That said Clark never made me presents of money; but he is informed and believes that said Clark has been to all his, Benchley's, previous employers, and finding nothing against his character and faithfulness, attempts, in an affidavit sworn to by said Clark himself, to discredit him, the said Benchley. That he makes this statement without fear, favor, prejudice, or the hope of reward, and solely with the desire to show himself a truthful man.

FRANK N. BENCHLEY.

In Providence, R. I., on this 25th day of December, 1877, before me subscribed and sworn to, and I certify that said declaration was carefully read over and explained to said affiant by me before execution

EDWIN METCALF,
Notary Public.

U.

Archie W. Kennedy, assistant messenger at Providence, R. I., post-office, and the identical person that one Aaron W. Clarke swears "is a faithful and reliable young man," declares and says that he changed off with Frank N. Benchley in carrying the mails to Providence and Worcester agent, so that some weeks during last summer I carried mails to one Aaron W. Clarke, route agent, and Benchley at others; that he never assisted in preparing mails for agents in early a. m. but once, and that was about one year ago, and then at the request of the mail clerk, who was late, but he is positive was not intoxicated, and had no appearance of being under the influence of liquor; § that prior to the middle of September, 1877, said Clarke did not pretend to accompany his mails, and that he has been to said Clarke's car with his mails and found him absent and out of sight, and one a. m. saw said Clarke on a load of melons; || that said Clarke did not give him money until since said Clarke's difficulty with the Providence, R. I., post-office, and that he did not understand what said Clarke meant by this sudden and unusual liberality; ¶ that during the last summer he has seen berry crates in said Clarke's mail apartment and seen United States mail locks thereon, and that his experience in handling United States mail locks that he can tell them from any other, and is therefore positive that those on crates referred to were United States mail locks; that the statement by said Clarke that he made the affidavit filed by P. M. Brayton from "fear of losing his situation" is false, said affidavit being carefully read over to me before execution by the magistrate, said Brayton not being present; that the affidavit that said Clarke procured from him December 1, in regard to Richard Jackson, was obtained by misrepresentation on said Clarke's part, and that the occurrence referred to happened fully one year ago and not during the last summer; that he makes this statement without fear, partiality, or the hope of reward, and with a full knowledge of its contents.**

ARCHIBALD W. KENNEDY.

†† In Providence, R. I., on this 25th day of December, 1877, subscribed and sworn to before me; and I certify that above declaration was carefully read over and explained to said Kennedy by me, and privily and apart from said Brayton or any one else, before execution, and that said Kennedy declared the same to be his free and voluntary act

* This is the mail contractor's statement.—A. W. Clark.

† Brayton "fixed" this to prove what was disproved in previous affidavit.—A. W. C.

‡ Kennedy has made affidavit swearing that he has seen R. Jackson, clerk in the post-office, "so much intoxicated that he was unable to tie up his mail, when I have done it for him." (See copy of affidavit on statement previous to this page. The original I hold to prove charges against Brayton.—A. W. C.)

§ Kennedy stated to Bigelow, special agent, that Clark was never absent but once: that when he was on the load of melons he came along with his mails and was ready to receive them.—Clark.

|| Whose language is this?—A. W. C.

¶ This is false, and made by Charles R. Brayton and before the affiant was summoned, as in case of J. W. Reiley, water-boy. (See affidavit dated January 10, 1878.)—A. W. C.

** Answer to this affidavit next page, showing it to be false.—A. W. C.

†† This form was made out at the time the affidavit was, and by the same person, and not by J. W. Blackwood, as it is represented, showing that it was prepared previous to signing.—A. W. C.

and deed, and that he did not wish to alter, amend, or retract the same or any part thereof.

JAMES W. BLACKWOOD, [SEAL.]
Notary Public.

A statement in rebuttal to one made out by Charles R. Brayton, postmaster, and copied by some person unknown, and simply signed by Archibald W. Kennedy.

To show that Charles R. Brayton is guilty of doing this, see affidavit sworn to January 10, 1878, by John W. Reiley, a water boy on the Providence and Worcester Railroad, who swears that the affidavit signed by him over date of December 28, was "wholly prepared" before he was asked any questions, and, although he signed it, the replies to questions asked him "are not the answers he made." That when said Reiley stated that said Clark was "off duty" when he had seen him assist in loading fruit at Manville, he was told by Postmaster Brayton "that he was not supposed to know whether Clark was on duty or not." Such is the affiant making an affidavit to prove that which he most wishes, and sends for newsboys, water boys, and freight agents to come to his office and "simply sign" the statement; that it had been "carefully read over to them," having been written days before. When Brayton dictated Kennedy's affidavit, had he have known anything about berry-crates, he would have known that to state that Clark put United States mail locks on berry-crates would be swearing falsely (as he did), for berry-crates are not and cannot be fastened with padlocks. (See patent fastener on crates coming from the West and South, and see that the statement is false.) That Kennedy is greatly dependent on Mr. Bowen, the contractor, and F. A. Bowen, the contractor, is well aware that Brayton can take the mails from him at any time, and hence his, Bowen's, desire to do anything to please said postmaster, although said Brayton may write statements showing that Bowen is disinterested, &c., &c. That the statement made over A. Kennedy's signature is false I solemnly swear, as A. Kennedy, nor any other person, never saw a crate of berries in my mail apartment at Providence, especially with a mail lock attached. How unreasonable the statement! Was the postmaster having one of his daily dizzy-headed spells when he formed this affidavit? If the route agent had crates of berries in his car, his apartment, as Brayton says, why should he want "United States mail locks" on them? Were they sent to the customers with mail locks on them? What does Brayton answer? Simply that George Bray, a baggage-master on the road, put "the United States mail-lock" notion into his head, and urged it all the more when his affidavit (Bray's) was of no importance, as it was shown that he was a thief and a liar. This said George E. Bray, who was stealing the railroad company's money (according to his own admission), also put Postmaster Brayton up to summoning the news and water boys on the road, he, Bray, posing Brayton in regard to the questions to ask, said questions being placed in affidavit and asked the affiant afterwards. See affidavits in proof.

A. W. CLARK,
Route Agent.

JANUARY 10, 1878.

Affidavit and statement.—Rebutting No. 11.—showing misrepresentation by Charles R. Brayton and a contrived plot of one W. K. Brown, a clerk in the Providence post-office and one J. O. Spencer, a relief agent.

Aaron W. Clark, a route agent on Providence and Worcester Railroad, being duly sworn saith that the request made to said J. O. Spencer, relief route agent, was in good faith, and was reasonable and just under the circumstances; that there is nothing on the face of it showing a "deliberate attempt to have a brother route agent tell a deliberate lie"; that this reasonable request was occasioned by an uncalled for complaint of Postmaster Brayton to Thomas P. Cheney, superintendent railway mail service, which drew from his office the query if said Clark could do as Mr. J. Spencer did, viz, tie up as many as "27 direct packages for Providence distribution"; that instead of J. O. Spencer complying with the request to correctly inform the superintendent of railway mail service by giving said Clark the statement (see Doc. No. 11) he takes the letter to the postmaster's private room, where he, with the postmaster and one W. K. Brown, a clerk in the Providence post-office, deliberately planned to "put up a job" on said A. W. Clark, the regular route agent on the Providence & Worcester Railroad that the postmaster might have another opportunity whereby he could complain to the superintendent of railway mail service; that to carry out this plan the exemplary

postmaster at Providence, R. I., persuaded said J. O. Spencer, relief agent on Providence and Worcester Railroad, to tie up "27 direct packages" of letters for "Providence distribution" on one occasion to the neglect of more important duty, viz, that he was so hurried in tying up the "twenty-seven packages" that he failed to put out at Providence an entire mail, which said Clark found in the mail apartment the next morning when he went on duty with a note (said Spencer remained in the car until 9 or 10 o'clock p. m.) requesting said A. W. Clark "to forward the delayed mail to the post-office; that to further mature these plans or plot said W. K. Brown, the aforesaid clerk, was engaged to count these packages that he might be able to endorse the virtues of the postmaster and J. O. Spencer, relief agent—see documents under head of "No. 11," produced as testimony by said Postmaster Brayton, but which show a "deliberate attempt" to injure said A. W. Clark; that said A. W. Clark desires to be informed if it is customary for post-office clerks to count the packages of tied-up matter coming to their hands only when a plot to injure a brother agent is being planned.

A. W. CLARK.

PROVIDENCE, *sc*:

Subscribed and sworn to in Providence, this 20th day of December, 1877.

G. B. BARROWS,
Notary Public.

[That this affidavit is false see three on back; if Clark is truthful then these three persons are perjurers. Is not inference that he is falsely swearing as three men swear directly opposite to him? The above in blue pencil by C. R. Brayton.]

J. O. Spencer, of New London, in the county of New London and State of Connecticut, being duly sworn on his oath, saith, that for nearly two years last passed he has been the regular relief agent for Aaron W. Clark, route agent on the Providence and Worcester Railroad, leaving Providence, R. I., at 7.20 a. m., one week in every * four weeks; that the sworn statement of said Clarke made before one George B. Barrows, notary public in Providence, R. I., on the 20th day of December, 1877, in which said Clarke accuses him, the said Spencer, of deliberately planning with one W. K. Brown, a clerk in the Providence post-office, and Postmaster Brayton "to put up a job" on him, the said Clark, is wholly, absolutely, and maliciously false; that the statement of said Clarke in affidavit above referred to that said Brayton "persuaded" him, the said Spencer, to tie out twenty-seven packages, is wholly, absolutely, and maliciously false, and that said Brayton in no way or manner, either directly or indirectly, ever hinted, intimated, or suggested such a course in regard to preparing mails for the Providence, R. I., post-office; that said Clark's statement in affidavit aforementioned that he, the said Spencer, was so hurried in tying out these twenty-seven direct packages that he failed to put out a certain mail is also wholly, absolutely, and maliciously false; the oversight, if any, being done solely to other causes; that the statement of said Clark in affidavit aforementioned that he, the said Spencer, took the letter referred to by said Clarke to Postmaster Brayton, is also wholly, absolutely, and maliciously false, as he is informed and believes that said Brayton received it from another source beyond his, said Spencer's, reach or knowledge. That although he, the said Spencer, has run for said Clarke an average of 12 or 13 weeks in each year, he has never been obliged to take his mail out of case at Providence, R. I., post-office, but always received his registered and other mail matter from said office properly and promptly, and was always able to assort his entire mail before train left the station at Providence, R. I., at 7.20 a. m., and that coming in he has tied out as many as thirty-one direct packages, and without neglecting any duty required of him as route agent. That he makes this statement without fear, favor, prejudice, or the hope of reward, and with a full knowledge of its contents.

JOHN O. SPENCER,
Relief Route Agent.

In Providence, in said State of Rhode Island, on this twentieth day of December, 1877, personally appeared the above-named affiant, who, after having the above declaration carefully read over and explained to him by me, subscribed the same and made solemn oath that said declaration was true, and that he did not wish to retract the same or any part thereof.

WALTER R. STINELL, [SEAL]
Notary Public

* When Postmaster Brayton made this affidavit he did not post himself in regard to how often Clark was relieved, and made it read every "two" weeks, which Spencer could not sign until corrected.—A. W. C.

† Remarkable that eleven different affiants should use this language when stating what they knew about the case.—A. W. C.

PROVIDENCE, R. I., January 10, 1878.

Rebttal to affidavit by J. O. Spencer, relief agent. Said Spencer feeling under obligation to Chas. R. Brayton for using his influence at the time Spencer was removed from the Norwich and Worcester route, he feels duty bound to do as Brayton desires in this case. I can prove and would prove (if it was not for delaying this investigation), by two (2) route agents, that J. O. Spencer, relief agent, admitted that Postmaster Brayton "did persuade him to tie up the twenty-seven packages" on one occasion; that Spencer failed to put out all his mail on this occasion. See Spencer's own admission by letter to A. W. Clark requesting said Clark to forward the mail to the post-office the next morning, this letter now being in the hands of Thomas P. Cheney, superintendent of railway mail service. Although he claims that the statement is "false" that he took the letter in question to Chas. R. Brayton, he does not deny the fact that he sent it to him by mail, as Brayton now states. What was his, Spencer's, motive in forwarding an honest letter to the postmaster, if not to conspire with him, said Brayton? If J. O. Spencer, relief agent, did receive his mails from the post-office "properly," he did not deliver them so. For proof of this, see report in office of Thomas P. Cheney, esq., superintendent railway mail service, where said Spencer failed to put out Worcester an entire mail for the Worcester and Norwich agent; also a report showing the to put out the entire letter mail for "B. and Will. agent, east" and "Boston and Will. agent, west;" also when he has left letter mail in the car overlooked every time he has been running on the Providence and Worcester Railroad. Although said Spencer can tie out "thirty-one direct packages," he fails to comply with orders and "open all Providence distribution packages;" and moreover when he does his work properly and in accordance with instructions, he will not have "thirty-one" letters of Providence distribution to tie out "thirty-one direct packages" from. In conclusion, that Spencer has taken sides with the postmaster in this "post-office trouble," and has told everything openly in the Worcester post-office and other public places.

A. W. CLARK,
Route Agent.

* W. H. TUBBS, assistant postmaster at New London, Conn., being duly sworn on his oath, saith he is, and for five years last past has been, personally well acquainted with J. O. Spencer, a relief route agent, whom he is informed and believes relieves one Aaron W. Clarke, route agent on the Providence and Worcester Railroad, and that said Spencer is a man of unquestioned veracity and that his statements, whether under oath or not, are entitled to full credence and belief.

WM. H. TUBBS,
Assistant Postmaster, New London, Conn.

In New London, in said Connecticut, sworn and subscribed before me this 22d day of December, 1877

[SEAL.]

CHAS. W. BUTLER,
Notary Public.

CHARLES R. BRAYTON, of Providence, in county of Providence and State of Rhode Island, being duly sworn, on his oath saith that he is postmaster at Providence, R. I.; that the sworn statement of one Aaron W. Clarke,† route agent, made before one George B. Barrows, notary public, December 20, 1877, that said Brayton deliberately planned with one W. K. Browne, post-office clerk, and one J. O. Spencer, relief agent, to put up a job on said Clarke is wholly, absolutely, and maliciously false, said Brayton neither then or at any other time having "persuaded" said Spencer to tie out twenty-seven, or any other number of direct packages, and that the statement of said Clark above mentioned that said Browne was "engaged" to count packages so tied out by said postmaster is wholly, absolutely, and maliciously false. ‡ That said Clark's statement above referred

* Made out in Providence by Chas. R. Brayton and forwarded to New London for dates and signature, only the good character being given by Brayton.

† Where is the lie? Brown, clerk in post-office, admitted to Clark that he was asked by the postmaster to count the packages made up by Spencer on a certain occasion, giving as his reason "that it was his duty as a post-office clerk to count the packages if the postmaster requested it." The "document" connected with these papers shows for itself. What was the nature of Spencer's indorsement but to show that he on this occasion did tie out twenty-seven packages? What did indorse, but that he counted the twenty-seven packages? What did the postmaster indorse but the fact that he did conspire with these men?—Clark.

‡ It does not matter whether Spencer placed the letter in the postmaster's room or sent it to him by mail, as the postmaster admits the result is the same. It is a very easy matter for a postmaster with the character of Chas. R. Brayton to accuse one of stating falsely. A postmaster that will make out affidavits to suit himself and to show that which he wishes to prove and take them to his friends to sign, will do most anything.—A. W. C.

to, that said J. O. Spencer took a certain letter prepared by said Clarke for said J. O. Spencer's signature into the postmaster's private room, is also wholly, absolutely, and maliciously false, said letter being placed on said postmaster's desk by a post-office clerk with office stamp thereon, showing its receipt by mail, and that said Spencer's attention was subsequently called to it, as fully appears in "No. 11" above referred to. That he, the said Brayton, has never indicated to J. O. Spencer, or any other employé of the post-office department, any desire to put up any job on said Clarke, and that all such statements by said Clarke, or any one else, are malicious falsehoods.

C. R. BRAYTON.

In Providence, in said county and State, this 21st day of December, 1877, subscribed and sworn to before me,

CLINTON D. SELLEW,
Notary Public.

WARREN K. BROWNE, of Providence, in the county of Providence and State of Rhode Island, being duly sworn, on his oath saith that he is night-mail clerk in the Providence, R. I., post-office; that in sworn statement of one Aaron W. Clarke, route agent, made before one G. B. Barrows, December 20, 1877, that he, the said Browne, deliberately planned with J. O. Spencer, relief route agent, and Postmaster Brayton to "put up a job" on him the said Clarke, is wholly, absolutely and maliciously false, so far as same relates to him, Browne's, connection therewith. That neither on that or any other occasion has either said Spencer or said Brayton asked him, the said Browne, either directly or indirectly, to put up any job on said Clarke, or asked him, the said Browne, to take any action prejudicial to said Clarke's interest. That the statement in affidavit above referred to that he, the said Browne, was engaged by Postmaster Brayton to count packages therein referred to, for the purpose stated, or for any other improper use, is also wholly, absolutely and maliciously false, and that he, the said Browne, formed no opinion that said Postmaster Brayton was trying to put up a job on said Clarke. That he makes this statement without fear, favor, prejudice, or the hope of reward.

* WARREN K. BROWNE.

In Providence, in said county and State, on this 22d day of December, 1877, personally appeared Warren K. Browne, who, after hearing above declaration carefully read over and explained to him by me, subscribed the same and made solemn oath that it was true, and that he did not wish to retract or amend the same or any part thereof.

CLINTON D. SELLEW,
Notary Public.

Final review of charges, affidavits, and rebuttals and counter-rebuttals in case of C. R. Brayton versus Aaron W. Clark, route agent.

CHARGE I.—Violation of section 31, regulations of June 1, 1875, and section 11, regulations August 8, 1877.

Specification: In this, that frequently during the summer of 1877, Aaron W. Clark, route agent on the Providence and Worcester Railroad, did expose the mails intrusted to his charge, and failed to guard them with vigilance required in regulations referred to in the margin hereof.

Proof: Affidavit of George E. Bray, baggage-master on said Clark's train, numbered 1, par. 1, and middle clause of par. 3. Also affidavit of Frank Benchly, assistant mail messenger, numbered 6, par. 2. Also affidavit of Joseph Case, early morning mail clerk, numbered 2, latter clause par. 4. Also affidavit of Waldo L. Gates, agent of said Providence and Worcester Railroad, at Providence, numbered 9, par. 2. Also affidavit of Archie Kennedy, assistant mail messenger, numbered 6, par. 2. All of whom make oath to the fact that said Clark is guilty of above charge. Said Clark's attempt to discredit these witnesses being unsuccessful, as he offers nothing but his own sworn statement in rebuttal, and that unsupported by a single corroborating affidavit, while

* Has Mr. Brown, clerk in post-office, forgotten the reply he made Route Agent Clark when said Clark asked him "if it was customary for clerks in the post-office, and him in particular, to count the distribution packages made up by route agents"? The reply being, "It is not customary; but he considered it the duty of a clerk to do so if the postmaster requested it." These were Brown's exact words, and my word is as good for it as Postmaster Brayton's. If there was no "conspiracy" in this, why the counting and then the report to the postmaster? It was just as Brown admitted to Clark in lobby of post-office, that the postmaster asked him to do it, and he considered it his duty to comply with his request. The act on shows on the face of it that there was conspiracy at the bottom of it.—A. W. Clark.

on the contrary affidavits are filed in *regular order* with each of said Clark's rebuttals, corroborating the statements of the witnesses against him, above referred to, and whom, over his own signature alone, he tries to impeach. That above is true, see affidavits of Joseph Abbott, news agent, on said Clark's train. Also that of William Byers, also news agent on said train; also that of John W. Ewiley, water boy and assistant brakeman on said train; also the letter of Superintendent Hilton, of said road, and Mr. Chamberlain, a conductor, and the affidavit of George E. Bray, reiterating his previous statements, and denying Clark's allegations against him, the said Bray. All the above witnesses corroborate Bray, and the letters of the officials referred to prove his good character and faithfulness. All these papers are securely attached to Clark's attempted discredit of George E. Bray, baggage-master, and are filed with Clark's rebuttal number 1, herewith, attention to all of which is respectfully solicited, and submit that you are bound to believe the statements of five disinterested parties (for so they all swear) in preference to the statement of said Clark, uncorroborated as it is by a single witness, and manifestly in his own interest. For above reasons I claim that charge, "I" is fully sustained. For further evidence that he left his mails unprotected, see King's affidavit, No. 8, that he left his regular satchel at his store.

CHARGE II.—Violation of section 21, regulations June 1, 1875, and section 17, regulations of August 8, 1877.

Specification: In this, that Aaron W. Clark, route agent on the Providence and Worcester Railroad, leaving Providence at 7.20 a. m. during the summer of 1877, failed to accompany his mails to and from a terminal office, to wit, said Providence, R. I., post-office, as required. Sections of his regulations referred to in the margin hereof, and in violation of a specific order in writing to said Clark from T. P. Cheney, superintendent R. M. S. for New England, dated February 16, 1876, when said Clark had then violated above sections of the regulations.

Proof: Affidavit of F. A. Bowen, mail messenger, numbered 5, par. 1; also affidavit of Frank Benchly, assistant mail messenger, numbered 6, par. 2; also affidavit of Archie W. Kennedy, assistant mail messenger (whom said Clark swears to be a reliable young man), numbered 10, pars. 2 and 4, and said Clark's own admissions in letter to Superintendent Cheney, dated October 10, 1877, viz, that he was in the habit of preceding his mail to car prior to middle of September, 1877, his excuse being that drunken clerks would not get it ready; that his reason is not the correct one is shown by the baggage-master in No. 1; that there is no evidence, except said Clark's, that any clerks have been drunk for a year. It is difficult to see that Clark's reason was the proper one. The fact was that prior to about September 17, 1877, said Clark did not pretend to accompany his mails, and has been buying fruit as late as 7.15 a. m. See affidavit of King, filed with Clark's rebuttal No. 8, herewith. Said Clark again, over his own signature, an interested party and uncorroborated, tries to discredit these witnesses to this charge, but the affidavits filed with his rebuttals and numbered five, six, and ten show how signally he fails, unless you believe said Clark, unsupported, against the three witnesses referred to, one of whom (Kennedy) Clark swears to be "a reliable young man." In further support of this charge see affidavit of A. H. King, fruit dealer, who carried Clark to his train on his fruit wagon, and at whose store he left his registered-letter satchel. How could he leave his satchel on the way if he was on the mail wagon? I submit that charge is fully sustained.

CHARGE III.—Violation of section 23, regulations of June 1, 1875, and section 18, regulations of August 8, 1877.

Specification: In this, that during the summer of 1877 Aaron W. Clark, route agent on the Providence and Worcester Railroad, allowed his apartment to be entered by persons not connected with the Post-Office Department, in violations of sections referred to in margin hereof.

Proof: Affidavit of Waldo L. Gates, agent of said road, numbered 9, par. I, and Clark's admission in number 9, rebuttal, that he allowed General Burnside therein. How hopelessly Clark fails to discredit this witness is shown by the affidavit of Superintendent Hilton, giving Clark the direct lie. (See Hilton's affidavit filed with Clark's rebuttal No. 9.) The excuse given by Clark that since new regulations (Aug. 8, 1877), does not avail, as this was clearly forbidden in the regulations of June 1, 1875. For further evidence see affidavit of Wm. Byers, filed with number one, that he entered Clark's apartment to examine strawberries. Also, I submit that not only is this charge sustained but that said Clark swore to an insinuation, unfounded in fact, and for a malicious purpose, viz, to break down an important witness against him, in which he signally failed.

CHARGE IV.—Violation of section 38, regulations of June 1, 1875, and section 20, August 8, 1877.

Specification : In this, that during the summer of 1877 Aaron W. Clark, route agent, did "traffic in merchandise, to wit, fruit, for his personal profit, in violation of regulations in margin hereof."

Proof : Affidavit of Geo. E. Bray, baggage-master, numbered "1," pars. 1, 2, 3, 4, wherein he swears to seeing Clark unloading and loading fruit, affixing labels to same, putting United States mail locks on packages of fruit, leaving his mail apartments unlocked. In this said Bray is corroborated by Abbott, the newsboy, who swears he has seen strawberry crates in Clark's mail apartment, and saw him unload fruit; by Byers, the newsboy, who swears to seeing Clark load fruit from truck into door opposite Clark's mail apartment; that he has seen strawberry crates in said apartment when said Clark was on duty therein; that he saw said Clark leave his mail apartment and go out and assist in loading fruit at Manville: by the water-boy, Reilley, who swears he has seen United States mail locks on packages of fruit; that he has seen said Clark giving directions as to disposition of fruit in baggage department; by George Edwards, Clark's own witness, that he paid him for assisting him, said Clark, in loading peaches; that he had carried strawberry crates from said Clark's mail apartment to Clapp & King's, fruit dealers; that said Clark failed to accompany his mails, and when he did, got off at Clapp & King's, before reaching the post-office; by Joseph Case, that he has seen said Clark handling fruit at Clapp & King's in the early morning; by Richard Jackson, who swears to the same point; by Kennedy, the assistant mail messenger, whom Clark swears is a reliable young man; by one Benchly, assistant mail messenger to same points; and finally by A. H. King, who swears in an affidavit filed with Clark's rebuttal, No. 8, that Clark purchased large quantities of fruit of him during the summer of 1877; that he carried Clark to train at 7.20 a. m. on his fruit-wagon; that Clark left his registered-letter satchel at his, said King's, fruit-store, and that he placed it in a secure place until Clark returned for it; that Clark intimated to him that he would like him, said King, not to give P. M. Brayton any information about his, said Clark's, fruit business; that Clark always represented he was doing business for himself, and that he recommended said King to leave a margin so he, said Clark, could make a "profit," which he, said King, did. From the above it is apparent that said Clark was in the fruit business during the summer of 1877, and for his personal profit, as sworn to by said King. To assume that it was not for profit is to prove Clark an ass, his pretence of his mother's, brother's, and father's being the real ones being a sham, as shown by said King, when he swears that A. W. Clark on his books means Aaron W. Clark, route agent, and not Alpha W. Clark, his mother, who, by statute law of Rhode Island, is precluded from doing business in her own name. Jeff. Davis made himself ridiculous by attempting to shield himself behind a woman's petticoat, but failed as signally as has Clark, and in this connection I put it to you, why, when said Aaron W. Clark's reputation and official position are in jeopardy, does not his father, his mother, his brothers or his sisters come forward and acquit him of the charge of being in the fruit business? Is there but one reason: they know he has been? I submit this charge is fully sustained and that I have proven beyond dispute that he trafficked in merchandise, to wit, fruit for his personal profit, while on duty as route agent, and left mails unprotected to attend to it, and once leaving his registered-letter satchel at a fruit-store on his way to the post-office, and this accounts, in some measure at least, for his failure to take three registered letters, as charged hereafter. The fact that said Clark gave up the fruit business on being charged with it is additional evidence of his guilt and his subterfuge. That it was not forbidden until fall fails, when you see in section 38, page 13, regulations of June 1, 1875, that it is equally prohibited by those that preceded the ones of August 8, 1877.

CHARGE V.—Violation of section 35, regulations August 8, 1877.

Specification : In this, that Aaron W. Clark, route agent, carried mail matter outside of the regular mail pouch, in violation of section 35, in margin hereof.

Proof : Clark's admissions in letter to Superintendent Cheney, of October 10, 1877. Case's affidavit that he frequently took them an hour and fifty minutes before train left, and half an hour before advertised closing of mails, and when there were no drunken or otherwise incompetent clerks on duty. Also Clark's statements in his rebutting affidavits. J. O. Spencer, his relief, swears that he runs for said Clark 12 or 13 weeks in each year; that he was never obliged to take mail out of case before closing, and always received his mail promptly and properly, and assorted it all before train started. Where was said Clark between 5.30 and 7.20 a. m.? Not at his car, for messengers frequently found him away from his car, and one at least had key, so as to put them in alley-way when Clark was absent. Kennedy, his reliable young man, swears that one morning when he was absent, he saw Clark on a load of melons, and we hear of him at Clapp & King's as late as 7.15 a. m., buying fruit, and only just catching his train, and

then had to be carried over on a fruit wagon. Does any one believe that he had but one motive in taking his mail matter an hour and fifty minutes before train started, and that motive to secure all the time he could for fruit business? Can any one, after reading the testimony, come to any other conclusion how, at 5.30 a. m., could he tell whether mails would be ready or not, when advertised closing was but an half hour after that? He did it for his own private advantage, and what other agents did does not weigh, as they are not charged with using time they should be on duty in fruit or any other business. That there was no need of this, see affidavit of J. O. Spencer, route agent, that he always had time to assort mails before starting at 7.20 a. m.

I therefore submit this charge is also fully sustained.

CHARGE VI.—Bribing assistant mail messengers.

Specification: In this, that Aaron W. Clark, route agent, has during the last six months given assistant messengers sums of money.

Proof: Affidavit of A. W. Kennedy, the reliable young man (so Clark swears), who swears that he received no money from said Clark until about the middle of September, 1877. Why this sudden liberality after so many years of not giving? The answer is plain. He wished to procure his silence as to his not accompanying his mails; his not being at his car, and other facts connected with said Clark's shortcomings. If he gave it for tobacco or hauling wood, before stoves were in the cars, why did he commence only when his shortcomings were being investigated?

George Edwards, his own witness, also swears that Clark paid him for loading fruit. I submit the charge is sustained that he meant to bribe said Kennedy, else why his sudden and marked liberality?

CHARGE VII.—Ignorance of official duty, and stating falsehood to his superior officers.

Specification: In this, that having received a sack of papers by mistake from the messenger, Aaron W. Clark, route agent, sent same to Boston; whereas if he had returned it to Providence, it would have gone out in the midday mails, and that the blunder was the greater because the sack was labeled Boston and Providence agent; and in this, that said Clark repeated to Thos. P. Cheney, superintendent R. M. S., that he received it from the Providence post-office, intending to convey the impression that he received it from the post-office, when, as a matter of fact, he did not accompany his mails that morning, but received it from the messenger at the train.

Proof: Clark's admission to Salisbury, whom he dare not attempt to swear down, that it was labeled "Boston & Prov. Agt.;" see Salisbury's affidavit No. 3, and one with Clark's rebuttal, No. 3, reiterating that Clark admitted it was labeled "Boston & Prov. Agt." Kennedy's affidavit that he did not see such tag is of no avail, as he swears he was not on duty that morning, and I submit that what happened on other mornings is of no avail if it was correctly tagged as proven on the morning referred to.

CHARGE VIII.—Attempting to induce a brother route agent to make a false statement.

Specification: In this, that Aaron W. Clark did prepare a letter (No. 11) with the intent of getting J. O. Spencer, relief route agent, to sign a false statement with a view to leave the Providence postmaster in a lie.

Proof: Statements of C. R. Brayton, W. H. Browne, and J. O. Spencer, relief to said Clark, and numbered 11, and their affidavits that there was no conspiracy, all filed with Clark's rebuttal No. 11 herewith. I submit that after reading these affidavits you must believe Clark swore falsely, or else Browne, Spencer, and myself did. That he did make such a report as charged, see his own letters to Superintendent Cheney.

CHARGE IX. Neglect of duty.

Specification: In this, that Aaron W. Clark, route agent, did on the 9th of October, 1877, neglect to take three registered letters, thereby greatly delaying the same.

Proof: Affidavit of Case, mail clerk, who swears in original No. 2 that they were in usual place, duly entered in register for said Clark's signature. Also Case's affidavit filed with Clark's rebuttal, No. 2, that it was not "a put-up job." Also affidavit, No. 4, of Bucklin, mail clerk, that they were in usual place. Also Clark's own admission that he left them as charged. (See his rebuttal.) King's affidavit shows he was careless of his registered matter, as he swears Clark left his registered satchel at his (said King's) fruit store on one occasion. The fact is, there was no "put-up job" as sworn to by Clark. He was nervous and in a hurry, and did not compare his letter with register, or he would have discovered he had not got three he should have.

CHARGE X. Publishing a libel over his official signature.

Specification: In this, that Aaron W. Clark, route agent, did in the Worcester Press of November 28, 1877, procure the printing of a libel, which shows for itself, these being industriously circulated by him to forestall an investigation and to divert attention from his own shortcomings.

Proof: See copy filed in the original and Clark's admission in his rebuttal statement. Section 37 of "Instructions to Railway Employés" says that their violation will be considered sufficient cause for immediate removal. I submit that unless you believe Clark—an interested witness and unsupported by a single corroborating affidavit—you must find him guilty of the charges preferred, and that you cannot believe him truthful when so many witnesses sustain the charges and impeach his testimony.

In reply to the statements that said Clark dare not swear to, but only insinuates, which relate to charges by him and others against me, in support of which he has not, up to this time, as at present advised, offered any testimony, I have only now to say that I am prepared to meet them squarely at the proper time, and that meanwhile if said Clark will cause the same to be charged in any respectable newspaper in Rhode Island, over his own signature, and give bonds to abide the result of a suit for libel, he will have an opportunity to prove his charges without invoking aid of an act of Congress; but until he does, I shall patiently await the result of official investigation, not caring "to sue a beggar and catch only a louse." All of which is respectfully submitted.

C. R. BRAYTON, *Postmaster.*

PROVIDENCE, R. I., December 29, 1877.

PROVIDENCE AND WORCESTER RAILROAD,
January 4, 1878.

W. H. BIGELOW, Esq.,
Special Agent Post-Office Department:

DEAR SIR: I regret to be obliged to inform you that I cannot comply with your request, as I have not been relieved, and cannot meet you in Boston while on duty.

What next are the programme? Am at your service.

Very respectfully,

A. W. CLARK,
Route Agent.

POST-OFFICE,
Providence, R. I., January 5, 1878.

C. R. BRAYTON, postmaster.]

Col. W. H. BIGELOW,
Special Agent Post-Office Department:

DEAR SIR: I inclose correspondence that shows Aaron W. Clark to be a liar in the letter he published in the Woonsocket Patriot, copy of which I sent you at Boston yesterday. You know whether balance of it is true or not.

Not having been advised of the admission of evidence by either Dawley or Clark, and their ally Richardson being on the street with a petition for an act of Congress, I respectfully ask how much longer I must wait. Certainly Mr. Dawley has had ample time, and three months would seem sufficient for this man Clark, who made his boasts he would have me out by January 1, 1878. If they have no testimony to offer to you, I submit that the cases should be closed at once, leaving them to offer what they may have to the higher authority they evidently so much need.

Please also inform me of the status of affairs in my case against Clark, and when you will report.

Very respectfully,

C. R. BRAYTON,
Postmaster.

PROVIDENCE, R. I., January 4, 1878.

S. S. FOSS, Esq.,
Publisher Woonsocket Patriot:

DEAR SIR: Please state on this sheet whether or not, to your knowledge, I have furnished any article or articles for your paper, or have furnished the information, either directly or indirectly, on which any article that has appeared therein was based, and, if you are willing, the name of the party who did furnish an article relating to Providence post-office in a previous issue of your paper.

Respectfully, yours,

C. R. BRAYTON,
Postmaster.

PATRIOT OFFICE, *Woonsocket, January 5, 1878.*

C. R. Brayton, postmaster at Providence, has furnished no communication for publication in the Patriot, nor any information for a communication, to my knowledge, concerning the controversy with A. W. Clark.

S. S. FOSS.

OFFICE OF THE WOONSOCKET PATRIOT.

(S. S. Foss, publisher.)

WOONSOCKET, R. I., *January 5, 1878.*

Col. C. R. BRAYTON,

Postmaster at Providence :

DEAR SIR : I have endorsed your letter as desired. There has been no communication received here from your side of the unpleasant controversy with A. W. Clark. He doubtless mistook for a communication what was published from another paper, selected or prepared by my associate editor. I have no desire or intention of being made a participant in this unfortunate controversy. For yourself I have none but the most friendly feelings.

Yours truly,

S. S. FOSS.

PROVIDENCE, R. I., *January 6, 1877.*

W. H. BIGELOW, Esq.,

Special Agent Post-Office Department :

DEAR SIR : On looking over the documents received from you yesterday, I find some over thirty new affidavits and statements, which show that Brayton was not idle during the two (2) weeks he held the papers. This being the case, I think you will see that it is but justice to me that I should have an opportunity to rebut some of the many false affidavits.

In doing this I assure you I will take as little time as possible, and will send you the papers when I have had them less than one-half the time they were in Brayton's possession.

Very respectfully, your obedient servant,

A. W. CLARK,
Route Agent.

PROVIDENCE AND WORCESTER RAILROAD,
January 8.

W. H. BIGELOW, Esq.,

Special Agent Post-Office Department :

DEAR SIR : Yours of the 7th at hand. Will send the papers just as soon as I can make a hasty reply to some of the many false affidavits. Will arrange these replies and save you trouble of doing it. Shall be off the road to-morrow and will work day and night in order to send them to you Thursday evening or Friday. As Brayton has been two (2) weeks getting up these false statements, I trust you will see the justice of my having an opportunity to reply in brief.

Very respectfully,

A. W. CLARK.

PROVIDENCE, R. I., *January 11, 1878.*

W. H. BIGELOW, Esq.,

Special Agent Post-Office Department :

DEAR SIR : I have the honor to transmit herewith the famous Brayton and Clark papers, assuring you that if I could have had a few days I could have disproved all of the many false affidavits made by Brayton and sworn to by different parties. But as you have requested me to forward papers as early as possible, I will not delay, but make a hasty statement in rebuttal to some and entirely disprove the principal affidavits. Brayton makes a statement for Bowen, the mail messenger, to sign, stating that I "entrust messengers with key to my car." See this to be false by Bowen's statement in rebuttal. Also the same by George Edwards. See his statement sworn to by witness. Also see affidavit by John W. Reiley, a water-boy on the railroad, where Brayton induced him to sign a false statement already prepared, the key-note being given by Geo. Bray, the baggage-master, in regard to locks (United States mail) on peach barrels, &c. When said water-boy told Brayton that Clark was "off duty"

when he saw him on the platform assisting in loading fruit, Brayton told him he was not supposed to know anything of the kind. In short, if you or any other party will have the patience to look this bulk of what I through, you will find Brayton does not in a single instance show or prove any neglect of duty on my part. Believing this case is in the hands of one who will see "fair and square play,"

I have the honor to be, very respectfully,

A. W. CLARK,
Route Agent.

Please excuse such writing, for I am hurrying for you.

C.

Summing up statement.—Rebuttal to that of Charles R. Brayton, postmaster at Providence, R. I., by A. W. Clark, route agent Providence and Worcester Railroad.

CHARGE 1. Made by a thief and a liar. See sworn affidavit of James Kendall, express messenger Providence and Worcester Railroad.

CHARGE 2. See affidavit of Archibald Kennedy, mail messenger, showing that none of the other agents accompanied their mails for good reasons, viz, the good of the public service.

CHARGE 3. That affidavit No. 9, by Waldo L. Gates, is false in every particular; that said Gates never sat in my mail apartment, and never placed foot in it but once when I have been on duty. See affidavit by Clark, No. 9. That his affidavit was prepared by Charles R. Brayton, being a *facsimile* of the one he framed for one George Bray.

CHARGE 4. Fruit was bought before the book was signed. Could have been bought as late as 6.20 a. m., and have been bought before went on duty. That the book was often signed as late as 6.20, and made to read "6 a. m.," as it was the custom to sign that hour (6 a. m.), to correspond with the time of "closing the mails." See registry of J. O. Spencer, relief agent, on same sheet. Does not vary one second.

CHARGE 5. Shows that A. W. Clark, route agent, violated "section 35" "last summer," when the "instructions" were not issued until late in the fall. Often had to take the letter mail "piecemeal," as the clerk in charge was too much intoxicated to prepare it for closing at the regular hour. See copy of affidavit by the messenger, A. Kennedy, who has frequently tied up the letter mail for this drunken clerk. Have sometimes gone back to the post-office after had received mails to see if the intoxicated clerk had left any letters in the cases.

CHARGE 6. That the ten cents given to messengers was not to "bribe" them. See affidavits of A. Kennedy and George Edwards, mail messengers.

CHARGE 7. That the request to J. O. Spencer, relief agent, was reasonable and without "desire" to have him sign a "false statement." See face of request. Also see in this 11th document, where Charles R. Brayton, with one W. K. Brown, a clerk in the post-office, and one J. O. Spencer, a relief route agent, planned and matured a plot to injure one A. W. Clark, a route agent Providence and Worcester Railroad. That said sack of papers for Boston and Providence agent was not tagged. See affidavits of R. C. Salisbury and Messenger A. Kennedy.

CHARGE 8. That to further develop this plot Charles R. Brayton, the postmaster at Providence, persuaded J. O. Spencer, the relief agent, to tie out on one occasion "27" direct packages, &c., and also instructed said W. K. Brown to count these packages (see their indorsements on article No. 11), that he might have another opportunity to report me.

CHARGE 9. That the "three registered packages" were not on the table when I took one bundle of registered letters; that it was a put up job; that registered matter for each agent is tied in one package. See statements from route agents inclosed. Also see book, where I took and receipted for Providence and Worcester agent's package of registered letters.

CHARGE 10. If a "libel," why did he not seek redress through the courts? Was not to "direct attention from his own shortcomings," but to notify his friends (Clark's) that he could easily prove the charges "that Charles R. Brayton is a common drunkard." Also find printed slip with this, authorized by Charles R. Brayton, but who did not have the courage to affix his "official signature" thereto, knowing it to be a falsehood, as the committee were not trying to "ferret out" any registered letters, as none had been lost.

See final summing up, &c.

[Printed slip above referred to.]

POST-OFFICE.

Various rumors are afloat regarding the investigation of our post-office. An article

from a postal clerk, named Clark, appeared in the Worcester Press, setting forth that Postmaster Brayton was frequently intoxicated while in his office, and that he employed subordinates who were addicted to strong drink. To-morrow or next day the committee investigating affairs will return to the city and resume proceedings. It has been discovered thus far that the instigator of the charges preferred, while in the employ of the government as postal clerk, was also engaged quite extensively in the fruit business. As regards the registered letter which was lost and which the committee are trying to ferret out, it is alleged that it was through the carelessness of Clark himself.

POST-OFFICE.

C. R. Brayton, P. M.]

PROVIDENCE, R. I., Dec. 26th, 1877.

C. C. CORBETT, Esq.,

Editor of the Sunday Telegram:

DEAR SIR: One Aaron W. Clark, in a certain "summary statement" filed by him with W. H. Bigelow, special agent, who has investigated charges preferred by me against said Clark, says that your reference in Telegram of ———, 1877, under head of "Post-office," was authorized by Chas. R. Brayton. I will be obliged if you will give me on this sheet the facts.

Respectfully, yours,

C. R. BRAYTON,
Postmaster.

OFFICE OF THE SUNDAY TELEGRAM,
Providence, Dec. 26, 1877.

C. R. BRAYTON, *Postmaster:*

DEAR SIR: In reply to yours of to-day, I have to say that the article referred to was not authorized by you, but as stated in the first line of said article was gathered from "various rumors." That you did call on me subsequent to its publication and stated that it did injustice to Mr. Clark, whereupon I prepared a correction, which was published the following Sunday, in which I stated that the only registered letter or other matter that had been delayed at the Providence post-office during the last five months was when said Clark left three registered letters.

Yours, respectfully,

CHAS. C. CORBETT,
Editor Telegram.

JANUARY 10, 1877.

Since this editor made a false and malicious statement in his paper in regard to "registered letters," which information he did not gather from "various rumors," but from Chas. R. Brayton, his word is of no account in this matter, and further that said Corbett was recently thrown out of a certain place and assaulted for making statements in his paper that were false. Brayton makes a great cry that he writes nothing for the papers, but he does give reporters all the information they want.

A. W. CLARK,
Route Agent.

A statement showing that the attack on Route Agent Aaron W. Clark by Charles R. Brayton, postmaster at Providence, R. I., is through malice and a desire to have said Aaron W. Clark removed; said Chas. R. Brayton desires to have said Clark removed that he might have appointed in his, said Clark's, place, a particular friend of his, said Brayton's; that this particular friend, while under the influence of liquor, made known to a certain postal clerk that he had the promise of a certain mail route running out of Providence; that said Chas. R. Brayton did not complain of said Clark as a matter of duty. See affidavits where he allowed other route agents to bring into the post-office and sell to a half dozen of the clerks butter, eggs, and berries; in short, to make a regular "grocery store" of the post-office, using for scales those furnished by the United States Government, and yet no complaint; that other route agents were not reported when they made a practice of not accompanying their mails to the depot; that Chas. R. Brayton has set his clerks to watch, plan, and set traps for said A. W. Clark to fall into, that he might have an opportunity to complain of said Clark; that his clerks and accomplices were guilty of placing about the person of A. W. Clark letters

that were taken from the post-office in Providence that he might be detected of stealing; that Charles R. Brayton, postmaster at Providence, has been guilty of stooping so low as to write to the postmasters on the line of the Providence and Worcester Railroad, at times when the train from New York has been late, informing them that said A. W. Clark was the cause of their mails being late; that he, the said A. W. Clark, having made a change in the New York mails "in order to save labor to himself"; that Postmaster Chas. R. Brayton has been guilty of calling together in his private office route agents and post-office clerks and agreed with them to set traps and carry out plans in order to injure said A. W. Clark; "that said Postmaster Brayton did, on one occasion, write a deliberate falsehood to Thomas P. Cheney, superintendent of railway mail service. † See extract of letter on margin of this page. That by said Charles R. Brayton not knowing at what hour the mail arrives from Worcester, this trap so awkwardly set sprang on himself. At the time he claims these "two valuable letters" were received by him from the Providence and Worcester agent, A. W. Clark, he, said Clark was out on the road several miles. See time-table Providence and Worcester Railroad and registry of Route Agent Clark's signature on record in Providence post-office. Was it not a "bare faced" falsehood? Shall prove it to be so at the proper time. That Charles R. Brayton is in the habit of becoming grossly intoxicated on Sundays as well as week days, and appearing in public places to the disgust of the people of this city; that on Sunday evening, November 25, 1877, said Charles R. Brayton, the postmaster at Providence, R. I., appeared at the "Perrin House," a quiet and respectable hotel in the city of Providence, in a state of beastly intoxication, and from under his coat took a bottle of liquor that he might treat the honorable committee of special agents of the Post-Office Department, Messrs. Gurley, Smith, and Bigelow; that these gentlemen, said special agents, were disgusted and so expressed themselves to the landlord of the house; that this postmaster, who has prepared certain charges against a certain route agent, made himself offensive in the highest degree by forcing himself into the ladies' parlor; that from this quiet hotel, the said Charles R. Brayton went to another public house where he had a regular spree. I have enumerated a few of the many vices of Charles R. Brayton that you may see from what source the charges spring, and that you may not be deceived by his "much fair speech," especially that which he uses at the end of his "summing up."

All of which is most respectfully referred.

A. W. CLARK.

Route Agent Providence and Worcester Railroad.

In Providence, said county and State of Rhode Island, subscribed and sworn to before me this 11th day of January, 1878.

HERBERT ALMY,
Justice of the Peace.

I hereby certify that on the morning of December 3, 1877, I placed four (4) letters under the strap of the mail-pouch for the Providence and Worcester agent going north from Valley Falls, as I am accustomed to do, and saw the pouch and letters placed in charge of A. W. Clark, route agent. Three of these letters contained checks, and were for Providence, R. I., and should have reached the parties by 10 a. m. same day; only

* That Clark lied as usual in this statement that he dare not swear to, see papers on next page.

C. R. B.

[† Extract from copy of letter by Chas. R. Brayton, detecting him in the act of writing to superintendent railway mail service a falsehood:]

"PROVIDENCE, R. I., December 3, 1877.

"THOMAS P. CHENEY, Esq.,

"Superintendent Railway Mail Service, First Division :

"DEAR SIR: I have to report that Route Agent Aaron W. Clark, on his a. m. run, neglected to put in back mail at Woonsocket two valuable letters placed in his charge at Valley Falls, R. I., and addressed to Providence. The unnecessary delay caused by his taking them to Worcester, so that they did not reach here until 6 o'clock p. m., made the explanation of the whereabouts difficult until we ascertained the blunder.

"Very respectfully,

"C. R. BRAYTON,
"Postmaster."

That this is true, see envelope and statement on next page.—C. R. B.

one of them did; the other two, I learned, at 2.30 p. m. same day had not reached their destination, which delay I at once reported at Providence post-office; the envelope attached inclosed one of said letters. I would further state that C. R. Brayton, postmaster of Providence did not know nor had any means of knowing that I was to mail them on the above date, and that there was no collusion between the Providence postmaster and myself in regard to them.

WILLIAM PATERSON.

Statement in reply to the statement made by William Patterson.

When Patterson had placed certain letters "under the strap of the mail bag" as it lay on the platform at Valley Falls, as he simply states, the Post Office Department was no more responsible for them than if he had left them on the steps of a grocery store. But I claim that these letters were not so placed at that hour, but were mailed at night on run south, and that it was understood by Patterson and Brayton, who are men of the same stamp, and Patterson is a correspondent of Brayton's organ. May it please whoever this may concern to consider if it seems reasonable that a business man would send "valuable letters" containing checks in an opposite direction from that which they were intended for and immediately go in person and ask these several persons if they had received their check, &c. How business-like! The fact that letters mailed in the morning, as Patterson claims, via. the "the mail bag strap," reached their destination all right shows that these letters containing checks were not mailed at that hour, but at night, and the postmaster at Providence understandingly "laid in wait" that he might carry out the plan. In Postmaster Brayton's report to the Superintendent of Railway Mail Service, he claims that these trap letters finally "reached us" ten (10) minutes before the mails reached the post-office. Was he excited over the plot that caused him to make the blunder in time, or did he feel guilty? This took place when he was manufacturing material whereby to report me to the Superintendent of Railway Mail Service. That this was a conspiracy I fully believe, as everything connected with it goes to prove.

A. W. CLARK,
Route Agent.

I, Edward O. Carr, superintendent of city delivery, certify that above envelope was received from the Providence and Worcester agent on his run south, December 3, 1877; that I made the minute of the time in lead-pencil on the back when received, and as we use no half hours in stamping, we make arrival the nearest even hour, which is the reason this was stamped 6 p. m. The Boston and the Worcester and the Hartford all being understood to be 6 p. m. mails in the office, as the Boston gets in before, and Worcester and Hartford after 6 p. m.

EDWARD O. CARR,
Superintendent City Delivery.

The statement that delay of above letters was "a put up job" is false, as fully appears from the above, and is on a par with other false statements of Aaron W. Clark, route agent.

C. R. BRAYTON,
Postmaster.

* Face of envelope.

Back of envelope.



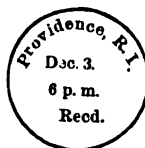
Stamp.

Chambers, Calder & Co.,

Providence,
R. I.

110 Exchange Place.

Received Dec. 3, 1877.
6.15 p. m.



Was Mr. Carr connected with the conspiracy? If not, why was he watching for the "trap letters"? And is it customary for Mr. Carr to note on the back of every letter in pencil the exact time of arrival? If not (as it is not), why was it done on this occasion? Did he believe, like Brown, the night clerk, "that it was his duty to do so if the postmaster requested it"?

How was it, Mr. Carr?

A. W. CLARK,
Route Agent

PROVIDENCE, R. I., January 11, 1878.

To all whom it may concern :

May it please your honor to know that in all this mass of statements and affidavits, many of which are false in every particular, Charles R. Brayton, the postmaster at Providence, has failed to show a single instance where Route Agent A. W. Clark has neglected his duty; neither has he attempted even to show that he has only in two instances—the one where three registered letters were delayed, because of the clerk in charge having prepared them for the route agent in an unusual manner, that they might be left, and the postmaster have an opportunity to report me to the Superintendent of Railway Mail Service, for at this time said postmaster was seeking opportunities whereby he might make complaint. Further, that the clerk in charge of the registered letters in Providence post-office was guilty of placing in my hand-bag an ordinary letter that I might be detected of stealing, and this letter was delayed in Providence post-office for that purpose. The other instance where the postmaster tries to show "carelessness" is where a conspiracy is formed with one Patterson, at Valley Falls, where said Patterson claims (but does not swear) that two valuable letters "were placed under the strap of the mail-bag at Valley Falls" as it lay on the platform. Was the Post-Office Department responsible for valuable or any other letters so placed? From the fact that other letters (and some of them valuable) so mailed were forwarded to their destination properly, it is proof that the letters in question were not mailed until evening and on my trip south, and it was well understood by Postmaster Brayton that these letters would arrive at the Providence post-office by the evening mail; hence his being on the watch for them. Was it not quick work? Letters that were to travel from 25 to 30 miles (in the direction sent), making an exchange from one agent to another, should be reported "not received," a complaint made to the postmaster to that effect, and the postmaster report the carelessness to Superintendent Railway Mail Service in one day? This conspiracy worked successfully, and Postmaster Brayton had another opportunity to complain of one he had been laboring diligently for two months with a view to have him displaced, that he might have appointed a favorite of his. In attempting to show that I was guilty of violating certain instructions, Postmaster Brayton made out affidavits covering what he wished to prove and sent for brakemen, news and water boys, and told them to sign these false affidavits, and when they protested against so doing they were insulted and told that they were not "supposed to know" that Route Agent Clark was innocent of the charge Brayton had set forth in his previously prepared affidavit. For proof of this, see affidavit sworn to by John W. Beley, a water-boy on the Providence and Worcester Railroad, in rebuttal to one Brayton had prepared for him to sign before he ever saw the party. For proof that Charles Brayton did prepare affidavits for F. A. Bowen, a mail messenger, and George Edwards, an assistant messenger, see their replies to questions put to them in presence of reliable witnesses and sworn to, attached to their affidavits made by Brayton. In these affidavits Brayton sets forth that I entrusted assistant mail messengers with a key to my mail car when they, Bowen and Edwards, both deny this, showing or stating that they had a key to the mail car, but a key to the express and baggage car, and which they received from other sources than Route Agent Clark. If a postmaster would commit this crime (and he did) would he not be guilty of making false charges in the beginning? The postmaster at Providence made a statement to the postmaster at Pawtucket that I was "the means of having his direct New York mail discontinued," when I had nothing to do with it whatever, this mail not even passing through my hands. In order to create material whereby Postmaster Brayton could complain of me on every occasion when the New York mail train was late and no connection made, this exemplary postmaster would write to the postmasters on the line of the route and inform them that I was the cause of the delay of their mails. Such is the postmaster at Providence, R. I., who prefers charges against one he fails to prove the first word of complaint.

This and all other statements connected with this case made by me I hereby swear to.

A. W. CLARK,
Route Agent

In Providence, said county and State of Rhode Island, subscribed and sworn to before me this 11th day of January, 1878.

HERBERT ALMY,
Justice of the Peace.

[All instructions in conflict with these are hereby rescinded.]

POST-OFFICE DEPARTMENT.—OFFICIAL.

Instructions to route agents and mail-route messengers.—June 1, 1875.

TO MAIL-ROUTE MESSENGERS: Mail-Route Messengers will be governed in the discharge of their duties by the same instructions as are issued to Route Agents.

INSTRUCTIONS.

SECTION 1. It is the duty of Route Agents to receive and properly separate and distribute all mail matter sent to them by the post-offices on their respective routes, and all mail matter that may be received from the public at the cars or placed in the letter-boxes designed for the reception thereof, or that may be sent them by other Route Agents and railway post-offices on any connecting or intersecting route, or from any other source whatever.

SEC. 2. All previous instructions forbidding the reception of letters and other mail matter at the cars are rescinded. Letters and other mail matter must be received at the cars up to the last moment of the starting of the train at all stations, as in the case of railway post-offices.

SEC. 3. Letters deposited in the cars, or handed to Route Agents at the cars for transmission in the mail, must be carefully postmarked, and the postage-stamps thereon effectually canceled.

SEC. 4. Postmarking stamps will be furnished each Route Agent (if needed) on application to the First Assistant Postmaster General, stating briefly and precisely the lettering required on the face of the stamp. No postmarking stamps will be furnished any line greater in number than the mail cars actually in use on that line.

SEC. 5. The practice of distributing letters before punching in the same loose manner as printed matter is prohibited. Letters for any office (except in cases where there may be but a single letter for an office) must be secured together in the manner stated in section 7. The importance of this will be readily understood from the fact that these little missives, when distributed singly, frequently slide through an almost imperceptible or hidden crack in the paper case, and, becoming lost to view, are either wholly lost or greatly delayed in transit before discovery is made.

SEC. 6. In making up letter mails for post-offices, letters for delivery must be placed in packages by themselves, and letters for distribution in separate packages, as prescribed in the following section.

SEC. 7. All packages sent to an office *for delivery* must be securely tied with twine. A letter bearing the name of the office, plainly written, for which each package is intended, must be faced out on both sides. Only the unpaid postages in *such* packages will be post-billed. Packages sent to an office for distribution must be securely tied, using "facing slips" in the address of the same, in the manner prescribed in the following section; but Route Agents must make no bills of unpaid postages in the latter packages, as it is the duty of the office in which the letters are *last* distributed to make the bills.

SEC. 8. Upon all *letter packages for distribution* facing slips must be used, bearing, in addition to the address or destination of the package, the postmark, *with date*, and the name of the party making up the same. Each Route Agent opening such packages will note upon the *reverse* side of the slip each and every error found in the distribution, or letters missent under cover of the same, giving the name of post-office and State, and the county only when included in the superscription, *adding thereto his name*. Also upon every slip covering packages wherein no errors occur, the letters "O. K." or the word "correct," *with name or initial added*; this to be a guarantee that the packages were duly examined. *All slips received upon letter packages must be forwarded daily to the superintendent of railway mail service of the division in which the receiving route lies, or to such party as he may officially indicate.*

SEC. 9. Route Agents, unless otherwise specially instructed, will open and distribute

all packages made up by any office along the line of their route for any distributing post-office, railway post-office, or route agency. Packages received for separation made up by railway post-office clerks must not be opened, but forwarded to destination, the responsibility for errors resting with the party making up the package.

SEC. 10. Route Agents will interchangeably distribute for and exchange mails with intersecting and connecting route agencies and railway post-offices. They will make up pouches and packages for delivery to only such post-offices, not located upon their route, as they may be specially instructed so to do, and in making up mails to pass intact to destination they will conform to instructions in section 7.

SEC. 11. It will be the duty of each Route Agent to *post-bill all unpaid postages on letters received by him, and mail the same direct*, securely tying the letters and post-bills together, so that they cannot be separated in transit. But letters upon which postage is due, which he necessarily mails upon a D. P. O., railway post-office, or another route agency, need not be post-billed, as it is the duty of the office or Route Agent last distributing them for the office of delivery to make the bills. It must be always borne in mind that, in all cases, letters bearing unpaid postages, mailed **DIRECT** by Route Agents to **ANY OFFICE FOR DELIVERY MUST BE POST-BILLED**. It is important that this section be strictly observed.

SEC. 12. It is enjoined upon Route Agents to examine with much care each locked pouch that they may receive and open, in order to be certain that there is no mail matter left therein before putting the pouch aside for use again.

SEC. 13. When a pouch is received for any office beyond or distant from their own route, or for an intersecting, connecting, or distant railway route (such pouches being under iron lock), Route Agents will place therein whatever mail they may have received for such office and for such railway route, in order that time may be gained in transmission.

SEC. 14. Pouches in transit received by Route Agents should not be disturbed other than as directed in section 13. For no reason may a pouch in transit, labeled for any office, be withheld or diverted from its destination. A regular exchange of pouches between exchanging offices is essential.

SEC. 15. They will in all cases regularly return pouches, locks, and labels, with or without mail, to Route Agents, railway post-offices, and offices sending pouches to them. *Wooden and card labels must be treated, in their return, the same as mail matter, and forwarded to address as promptly; classing wooden labels with printed matter, and card labels with letter mail.* This section must be strictly observed.

SEC. 16. Route Agents will make a regular exchange of pouches with other Route Agents on the same line at the meeting points, to the end that any mail matter that may have been carried in either direction past the office at which it should have been left, or any mail matter that may have been sent in the wrong direction, may be speedily returned to the proper office, or put upon the proper route to its destination; and all mail matter which may be found irregularly mailed, or on the wrong route, should in all cases be put upon the proper route at the earliest moment possible.

SEC. 17. When a postmaster, upon his route, neglects to properly face letters and tie them in packages, the Route Agent is instructed to request such postmaster, either in person, if he can, or by a courteous note, to change his practice to accord with these instructions, for the sake of aiding distribution on the train; and a neglect at distributing post-offices, or on the part of railway post-office clerks or Route Agents, to use the facing slips prescribed, should be reported promptly to the superintendent of the division.

SEC. 18. At catch-stations, where cranes are erected for the exchange of mails between the trains and the local post-offices on a line without slackening speed, the Route Agent must, in passing, make a delivery of the pouch for such office by hand, throwing the pouch at the proper point of delivery at least ten feet from the cars, in order to avoid the suction created by the momentum of the train.

SEC. 19. Route Agents are especially instructed that no waste paper may be discarded without a careful examination, to ascertain whether such waste does not contain letters received by them for distribution.

SEC. 20. Route Agents are strictly forbidden to leave their routes, or to transfer their duties to substitutes, without the consent of the superintendent of railway mail service of the division *in writing*.^{*} In cases, however, of sickness or disability, or when, for other sudden and urgent reasons, an immediate substitution is an actual necessity, a postmaster at either end of a route may grant a *temporary* leave of absence; and the person must be a person known to and approved by the postmaster. All substitutes must be sworn. But no postmaster may grant leave of absence for a period longer than

^{*}The employment of a substitute will not, however, be permitted *except in extreme cases*. The rule is, that in cases of sickness, disability, or other unavoidable cause of absence, the duties of an absent agent must be performed, if possible by and among the other remaining agents on the line. The employment of another agent on the same line is not a substitution within the meaning of this section.

necessary for referring the application to the superintendent of railway mail service of the division, and its return therefrom by due course of mail.

SEC. 21. It is the duty of each route agent to accompany the mails to and from the initial and terminal offices of their respective routes, and register their names and the day and hour of their departure and arrival *at the time*.

SEC. 22. Route agents must continue on duty the whole length of their allotted runs, unless special permission is granted to the contrary. The run embraces their initial and terminal offices, and they must register their names in both offices, as stated in section twenty-one, *before leaving and after arrival*.

SEC. 23. The car or apartment allotted to the use of a route agency is for the exclusive accommodation of mails and the persons specially appointed to take charge of the same. It is strictly private, not to be entered by any person except regular special agents of the Post-Office Department and those who may be otherwise duly authorized.* The conductor of the train, however, will have access to it in the performance of his duty, and, in case of necessity, other railroad hands may pass through; but none of them shall be allowed to remain therein.

SEC. 24. Route agents are specially instructed not to make a delivery at the cars of letters in transit, which come into their hands for distribution, to any person whatever, except an authorized agent of the Department, although it be personally known to them that the applicant is the person named in the address. The act of delivery is devolved by law and the regulations of the Department on the postmaster at the office to which the letters are addressed.

SEC. 25. Letters deposited in the route agencies (excepting soldiers' and sailors' letters, duly certified according to regulations) wholly unpaid, or *less than one full rate prepaid*, are to be regarded as unmailable matter, and should be sent immediately to the office at the terminus of their routes nearest Washington, affixing to each of such letters the imprint of their postmarking stamp, in order to know where each letter originated.

SEC. 26. Letters received by them from any source, to which are affixed *stamps previously used*, or stamps cut from stamped envelopes, and letters not addressed or so badly addressed that their destination cannot be known, are also to be regarded as unmailable matter, and treated in the same manner as above directed, omitting, however, the imprint of the postmarking stamp, excepting in case of letters deposited in the route agencies.

SEC. 27. Route agents through whose hands registered package envelopes or registered packages of stamps and stamped envelopes may pass in course of transmission by mail, are required to note in a book, furnished by the Department (to be carefully preserved and subject at all times to inspection by a special agent or other authorized officer of the Department), the numbers, postmark, date, and address of every such envelope or package and the disposition made thereof by them. They will in all cases obtain for each such package from the postmaster or person to whom they may deliver it as instructed in the "regulations respecting the registration of letters." Special attention is expected to be paid to this instruction, and a violation of it will be considered a serious offense, rendering the delinquent agents liable to a prompt removal from office.

SEC. 28. To protect themselves against fraud in the matter of receipts given to postmasters and others for registered packages, route agents will affix the imprint of the postmarking stamp on each receipt, signed as many times as there may be packages; thus, if there be one package named in the receipt, affix the imprint once; if there be two, twice; if there be three, three times; and so on. Any interlineations or additions made thereon after such receipt shall have left their hands signed may thus be certainly detected.

SEC. 29. The private interchange of thought and opinion through the medium of correspondence is necessarily confided to the mails. The sanctity of correspondence must be held inviolate. There can be no greater breach of the proprieties of official station than the revelation, in any way, of anything touching correspondence passing in the mails. No information may be imparted, voluntarily or otherwise, concerning letters passing through the hands of route agents in the process of distribution, excepting to those who may be officially authorized to receive information when such may be desired. No indorsement upon a letter nor addition thereto in pencil or ink, or in any other way, excepting it be the correction of an error in the direction, will be permitted; and any impertinent or offensive indorsement will cause the agent guilty of such gross misdemeanor to be dismissed from the service in disgrace.

SEC. 30. Route agents must not permit postmasters to count stamps on letters

* When any person, *duly authorized*, is admitted and remains therein, it becomes an obligation upon the agent on duty at the time to notify the conductor of the train, in order that he may collect fare, or, if the person is entitled to passage *free*, that the conductor may satisfy himself of the fact.

deposited in the cars for mailing pending the biennial adjustment of postmasters' salaries.

SEC. 31. Route agents are expected to use extraordinary vigilance in guarding the mails under their charge, which must not be left for a moment unguarded, day or night, and especially in making transfers where there is a considerable portage between trains. Should they become aware that the mails are so exposed at any time or place (the mails in the mean time having passed from their hands to those of other persons employed in the care, delivery, or transfer thereof), they are required to report the case in writing to the superintendent of railway mail service of the division for his information and action.

SEC. 32. Each route agent will be held strictly accountable for mail-keys and other property of the Department placed in his possession from time to time during the continuance of his agency.

SEC. 33. On the resignation or removal of a route agent he shall turn over to his successor the mail-keys and all other property, records, &c. (including the records of registered packages received and forwarded), in his possession, taking receipts for the mail-keys at the time, and forward the same to the Second Assistant Postmaster-General. A refusal to deliver all or either of the above articles of property on demand is an indictable offense under the statutes of the United States.

SEC. 34. It is especially enjoined upon all Route Agents to observe, in their official intercourse with the public, the strictest courtesy; and they must endeavor, by active and intelligent effort, to promote the positive interest of the service and the public.

SEC. 35. The rules and regulations of the railway companies, not in conflict with these instructions, must be respected and obeyed.

SEC. 36. The use of intoxicating liquors is prohibited in the route agencies.

SEC. 37. In case a mail, in whole or in part, be burned or otherwise injured, it is the duty of the agent in charge at the time to report the facts in the case to the Second Assistant Postmaster-General without delay, and duplicate the information to the superintendent of the division for any action that may be necessary on his part in the premises.

SEC. 38. Traffic in merchandise, while on duty, by a route agent, for his personal profit, even though the regular tariff rates of the railway companies are paid therefor, is absolutely prohibited. Route Agents must confine themselves wholly, while on the train, to the duties imposed upon them by the Department.

SEC. 39. Each Route Agent is required to *date and sign with his official signature* all replies to official inquiries and other communications; and in all communications to the Department give, below his signature, the terminal points of his route.

SEC. 40. Route Agents are required to keep constantly on hand a supply, at their own outlay, of postage-stamps of the denominations of two, three, and six cents, for the accommodation of the public at the cars. No application for stamps of such denominations may be refused, but no application for a number greater than is required for the emergency of the case should be furnished. Applicants should make their own change. It is a penal offense to demand for a postage-stamp a sum exceeding that expressed on its face.

SEC. 41. In all cases where supplies, such as register books, receipts, blanks, slips, twine, labels, &c., cannot be procured at either termini of the routes, Route Agents should apply in writing to the superintendent of the division.

SEC. 42. Route Agents will at all times see that an adequate supply of printed wooden labels is kept on hand for their use, for all tie-sacks made up by them; they will apply promptly to the superintendent of the division for all addresses needed, and report to him all failures of exchanges to return labels. Blank card labels will be furnished for pouch addresses, and these must be always written with ink, bearing upon the reverse side the name of the route making up the same. It is the desire of the Department to discontinue the use of blank wooden labels.

SEC. 43. Route Agents will carefully distribute and make up mails by the schemes which may be furnished them, and will conform to any changes which may be made by the superintendent of the division or such officer as he may designate. Route Agents will be held responsible for any mail not distributed in accordance with the *latest official schemes*, and it shall be their duty to keep themselves furnished with necessary information, which can always be had upon application to the superintendent of the division.

SEC. 44. In the absence of specific instructions, Route Agents should make up letter mails in *State packages* for all States where a *distribution* is not necessary.

SEC. 45. Route Agents are especially requested to notify the superintendent of the division of all changes of schedule or running of trains upon their respective routes, and of any irregularities coming under their notice, that prompt and proper action may be taken to prevent delays in the transmission of mails. This information is very important, as without it serious damage to the business and social interests of the people must follow.

SEC. 46. All Route Agents will hold themselves in readiness for examination at the

"case" upon the transcript of schemes, and distribution by post-offices, embracing all of the offices in such State or States as they may distribute mails for. They will also be sharply questioned regarding connections of railroad routes at various junctions, and other matters indispensable to a proper and active performance of service. It is the intention of this Department to continue these examinations, which have proved to be productive of great good to the service, and each employé in the railway mail service must prepare himself for monthly examinations, more or less extended, as shall be fairly indicated to him. Their tenure of office must depend in the main upon the result of case examinations and record of label-slips.

SEC. 47. Any departure from or addition to these instructions will be communicated to each agent at the time, and he is required to keep a record of such communication for reference.

SEC. 48. Each Route Agent in the service, or who may be hereafter appointed, will conform his practice to the foregoing instructions, and ignorance will never be considered an excuse for any violation or neglect of the same.

GEO. S. BANGS,
General Superintendent Railway Mail Service.

Approved:

JAMES N. TYNER,
Second Assistant Postmaster-General.

[All instructions in conflict with these are hereby rescinded.]

POST-OFFICE DEPARTMENT.—OFFICIAL.

* Instructions to employés of the railway mail service, August 8, 1877.

ORDERS OF THE POSTMASTER-GENERAL.

POST-OFFICE DEPARTMENT,
Washington, D. C., August 8, 1877.

ORDERED: That in all matters pertaining to the distribution and dispatch of mails for points beyond the delivery of an office, postmasters will be governed entirely by orders from or through the office of the general superintendent of railway mail service or of the superintendent of railway mail service for the division in which their offices may be situated.

No change in distribution or dispatch must be made without first obtaining such an order, except in cases of emergency, and in all such cases an immediate report, giving the reasons for such change, must be made to the superintendent of railway mail service for the division in which the office may be situated.

D. M. KEY,
Postmaster-General.

POST-OFFICE DEPARTMENT,
Washington, D. C., August 8, 1877.

ORDERED: That the general supervision of the distribution and dispatch of mails at post-offices, and of the service and employés of this department on railroad and steamboat routes, be vested in officers acting under instructions from this department, designated and assigned as follows:

OFFICE OF GENERAL SUPERINTENDENT OF RAILWAY MAIL SERVICE, WASHINGTON, D. C.

Theo. N. Vail, general superintendent.

M. V. Bailey, chief clerk, and in charge of third division.

John Jameson, assistant superintendent.

First division.—Comprising the New England States; Thomas P. Cheney, superintendent, Boston, Mass.

Second division.—Comprising New York, New Jersey, Pennsylvania, Delaware, and the Eastern Shore of Maryland; R. C. Jackson, superintendent, New York, N. Y.

Third division.—Comprising Maryland (excluding the Eastern Shore,) Virginia, West Virginia, and the District of Columbia; M. V. Bailey, superintendent, Washington, D. C.

* Complied with in every respect since received.—A. W. Clark.

Fourth division.—Comprising North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana; L. M. Terrill, superintendent, Atlanta, Ga.

Fifth division.—Comprising Ohio, Indiana, Kentucky, and Tennessee; C. Jay French, superintendent, Cincinnati, Ohio.

Sixth division.—Comprising Wisconsin, Illinois, Iowa, Nebraska, Minnesota, and Upper Peninsula of Michigan, and the Territories of Dakota and Wyoming; James E. White, superintendent, Chicago, Ill.

Seventh division.—Comprising Missouri, Kansas, Arkansas, Texas, Colorado, and the Territories of Indian and New Mexico; W. L. Hunt, superintendent, St. Louis, Mo.

Eighth division.—Comprising California, Nevada, Oregon, and the Territories of Alaska, Arizona, Idaho, Montana, Utah, and Washington; H. J. McKusick, superintendent, San Francisco, Cal.

Ninth division.—Comprising the through mails via Buffalo, Suspension Bridge, Toledo, and Detroit, the lines of the Lake Shore and Michigan Southern Railroad, and the Lower Peninsula of Michigan; Wm. B. Thompson, superintendent, Toledo, Ohio.

D. M. KEY,
Postmaster-General.

INSTRUCTIONS.

SECTION 1. In these instructions the word "employés" will be used to designate all railway post-office clerks, route agents, and mail-route messengers; and all railway post-offices or apartments in cars or steamboats will be designated as "office."

SEC. 2. Where there is more than one employé assigned to duty in an office, one of the number will be designated to take charge of the same.

SEC. 3. The one so designated will have charge of and be accountable for all property belonging in or pertaining to the office, and he will for the time being have full charge of the same. It will be his duty to see that all necessary bills are made, that all distribution in the office is correct, and that all mails are properly made up and put upon the proper route to their destination. It will be the duty of his assistants to implicitly obey his orders, *and no one on duty will consider his labors ended until the whole mail has been properly distributed, pouched, and transmitted.*

SEC. 4. Letters and other properly prepaid mail matter must be received at the offices, and all who are required to open letter-boxes at stations and take mail therefrom, must visit the boxes the last moment before leaving. Mails so received must be carefully postmarked and the stamps properly cancelled. The strict observance of sections 404 and 406, Regulations of 1873, is enjoined. The sections are as follows:

"Postage-stamps affixed to letters, packets, or parcels of any description, and all stamped envelopes, newspaper wrappers, and postal cards, must be immediately and effectually canceled in the office in which they may be deposited for transmission or delivery. The cancellation must be effected by the use of black printing ink wherever that material can be obtained; and where it cannot, the operation should be performed by making several heavy crosses or parallel lines upon each stamp with a pen dipped in good black writing-ink."

"The use of the office rating or postmarking stamp as a canceling instrument is positively prohibited, inasmuch as the postmark when impressed on the postage stamp is usually indistinct, and the cancellation effected thereby is imperfect. The postage stamp must, therefore, be effectually canceled with a separate instrument as directed by section 404."

SEC. 5. Letter mail must in all cases, except when specially ordered otherwise, be made up separately by States; this rule will also apply to paper mails where the quantity is sufficient to warrant the making up a bag for the same.

SEC. 6. In making up letter mails for post-offices, letters for delivery and letters for distribution must be made up in separate packages and securely tied with twine. All packages sent to an office for delivery must have a plainly addressed letter, bearing the name of the office for which the package is intended, faced outward on each side. Upon packages for distribution, facing slips must be used in the manner prescribed in the following section.

SEC. 7. Upon all letter packages for distribution, facing slips must be used, bearing, in addition to the address or destination of the packages, the postmark, giving the date of the commencement of the run, the name of the person making up the same, and the direction moving. Slips similar to those upon letter packages, excepting that the word "paper" should be written or printed thereon, must be placed in each canvas sack of printed matter. Each employé opening such packages or sacks will note upon the reverse side of the slip, each and every error found in the distribution, or letters missent under cover of the same, giving the name of post-office and State, and the county only when included in the superscription, *adding thereto his name and postmark.* All slips received on letter packages must be forwarded to the Superintendent R. M. S. of the division in which the receiving route lies.

SEC. 8. Employés will carefully distribute and make up all mails by the schemes

which may be furnished them, and will conform to any changes that may be made in the same by the superintendent of the division, and will make only such regular exchanges as may be ordered by him. Employés will be held strictly responsible for the proper distribution of all mails in accordance with *official schemes* and instructions issued by the superintendent of the division.

SEC. 9. They will in all cases regularly return pouches, locks, and labels, with or without mail, to route agents, R. P. O. clerks, and offices sending pouches to them. *Wooden and card labels* must be treated in the return the same as mail matter and forwarded to addresses as promptly—classing wooden labels with printed matter and card labels with letter matter.

SEC. 10. Employés through whose hands registered package envelopes or registered packages of stamps, stamped envelopes, postal cards, or through registered pouches may pass in course of transmission by mail are required to note in a book, furnished by the department (to be carefully preserved and subject at all times to inspection by a special agent or other authorized officer of the department), the numbers, postmark, date and address of every such envelope or package, and the disposition made thereof by them. They will in all cases obtain a receipt for each such package from the postmaster or person to whom they may deliver it, as instructed in the "Regulations respecting the registration of letters." The regulations relative to the registration of letters are so amended that the receipt for a registered package will be placed in the packages of letters for the route or office to which such package is to be sent. It should in no case be attached to the package. To protect themselves against fraud in the matter of receipts given to postmasters and others *en route* for registered packages, employés will affix the imprint of the postmarking stamp on each receipt as many times as there may be packages.

SEC. 11. All employés are expected to use extraordinary vigilance in guarding the mails under their charge, which must not be left for a moment exposed, day or night, and especially in making transfers where there is considerable portage between trains. Should they become aware that the mails are so exposed at any time or place (the mails in the mean time having passed from their hands to those of other persons employed in their care, delivery, or transfer), they are required to note the same upon their trip report for the information of the division superintendent. When accompanying the mail on other than regulation wagons, one of the employés should always sit in such position as to be able to instantly detect the loss of a pouch or sack.

SEC. 12. Letters deposited in the office (excepting soldiers' and sailors' letters duly certified according to Regulations) wholly unpaid, or less than one full rate prepaid, are to be regarded as unmailable matter, and should be sent immediately to the office at the terminus of their route nearest Washington, D. C., affixing to each of such letters the imprint of their postmarking stamp, in order to know where each letter originated. Letters received by them from any source to which affixed stamps previously used or stamps cut from stamped envelopes, and letters not addressed, or so badly addressed that their destination cannot be known, are also to be regarded as unmailable matter, and treated in the same manner as above directed, omitting, however, the imprint of the postmarking stamp, excepting in the case of letters deposited in the offices.

SEC. 13. All employés are expected to post themselves thoroughly in relation to the proper rates of postage, and all other points of postal laws and regulations, as much as though they were postmasters.

SEC. 14. Employés are directed to notify the superintendent of the division of all change of schedules or running of trains upon their respective routes, and of any irregularities coming under their notice, that prompt and proper action may be taken to prevent delays in the transmission of mails.

SEC. 15. Each employé is forbidden to absent himself from his line, or to exchange runs with an employé on any other line, or to employ or transfer his duties to a substitute, without a written permission of the general superintendent of railway mail service or the superintendent of the railway mail service of the division, and the employé to whom such leave is granted will be required to furnish a suitable and competent substitute at his own expense, unless he can make satisfactory arrangements (which must be in writing, signed by all the parties concerned, and approved by the superintendent of railway mail service of his division) with the other employés on his line to perform his duties during his absence. Under no circumstances will a leave of absence be granted for longer period than thirty days. Any person who has been discharged from the service for any cause whatever must not be employed as substitute or in any other capacity, nor must he be allowed to enter or ride in any office whatever.

SEC. 16. The department pays each employé for daily service whether he is on duty or not, and, therefore, has a right to demand service of him at any time. Employés must keep the superintendent of their division (or such person as he may designate) informed of his full address, and in the event of a change in his residence he must at once notify the superintendent of his division. In case the headquarters of the division

ion is not at one of the terminal points of a route, the postmasters at terminal offices must also be furnished with this information.

SEC. 17. Employees must remain on duty the whole length of their allotted runs. It is the duty of each employé to accompany the mails to and from the initial and terminal offices of their respective runs, except when otherwise ordered by the department. They will thoroughly examine their offices before leaving them to see that no mail is left therein, and that every precaution for the proper protection of the office has been taken. They will register their names and the day and hour of their departure and arrival, in their own handwriting, at the time, and also the name of any person who may have been in the office over the whole or any portion of the route, and between what points. In case an employé does not perform duty over the whole length of the route, the portion over which he performed duty must be noted. In case of a substitute, he will, in addition to his own name, add that of the employé for whom he is performing service. The employé in charge, departing on Monday, will fill in the spaces at the top of the page in the registration book for the week then commenced. Each employé is required to date and sign with his official signature all replies to official inquiries and other communications.

SEC. 18. The office is for the exclusive accommodation of mails and the persons specially appointed to take charge of the same. It is strictly private, not to be entered by any person except regular special agents of the Post-Office Department and persons who may be authorized by the General Superintendent and Superintendents of the Railway Mail Service. The conductor of the train, however, will have access to the office in the performance of his duties, and, in case of necessity, other railway employés may pass through, but none of them shall be allowed to remain therein.

SEC. 19. Employees are required to keep constantly on hand a supply of postage-stamps of the denomination of three cents, for the accommodation of the public at the office. No application for stamps may be refused, but no application for a number greater than is required for the emergency of the case should be furnished. Applicants should make their own change. It is a penal offense for an employé to demand for a postage-stamp a sum exceeding that expressed on its face.

SEC. 20. Traffic in merchandise while on duty by employés, or the active engagement at any time in any occupation of profit or emolument, is strictly prohibited. They must confine themselves wholly to the duties imposed upon them by the Department. The time while off actual duty is for rest and study.

SEC. 21. No information must be imparted, voluntarily or otherwise, concerning letters or other mail matter passing through the hands of employés in the process of distribution, excepting to those who may be officially authorized to receive information when such may be desired. No indorsement upon a letter nor addition thereto in pencil or ink, or in any other way, (excepting it be the addition of the county or by stamp, as provided in sec. 31,) will be permitted.

SEC. 22. On the resignation, suspension, or removal of an employé he shall turn over the mail keys and all other property and records (including the records of registered packages received and forwarded) in his possession to the Superintendent of Railway Mail Service of the division in which he last performed service, or as he may direct. A refusal to deliver all or either of the above articles of property on demand is an indictable offense under the statutes of the United States.

SEC. 23. Resignations must be forwarded direct to the Department through the superintendent of the division, and should be forwarded as long prior to the date on which it is intended to take effect as possible. Information regarding vacancies or probable vacancies in the service must not be imparted by employés, nor must they take any part in procuring appointments.

SEC. 24. Employees must observe in their official intercourse with the public and with each other the strictest courtesy, and must endeavor, by active and intelligent effort, to promote the positive interest of the service and the public.

SEC. 25. The rules and regulations of the railway companies, not in conflict with these instructions, must be respected and obeyed.

SEC. 26. The use of intoxicating liquors when on duty is absolutely prohibited.

SEC. 27. Employees are specially instructed not to make a delivery at the office of letters in transit which come into their hands for distribution to any person whatever (except an authorized special agent of the Department), although it be personally known to them that the applicant is the person named in the address. The act of delivery is devolved by law and the regulations of the Department on the postmaster at the office to which the letters are addressed. This also applies to printed matter, subject to the exceptions provided for in sec. 35.

SEC. 28. The use of any property of the Department for personal purposes is strictly prohibited.

SEC. 29. Exchange of letter mails must always be made in locked pouches, and whether there is any letter mail or not, a pouch, duly locked, must be furnished whenever one is due. Under no circumstances should mail be delivered at any place not a regularly established post-office; and whenever a post-office is discontinued the mail

for it should be delivered into the nearest established post-office. Catcher pouches must only be used at offices where there are cranes and where trains do not stop.

SEC. 30. Postmasters who neglect their duty in any manner in connection with the distribution and dispatch of mails must be reported to the superintendent of the division for his information and action.

SEC. 31. Every serious irregularity in the missending of mails should be specially reported, and in making these reports, where letters are concerned, give the exact postmark, including the hour. In the case of newspapers, state whether received in a pouch or a sack, and, if in a sack, whether it contained all second-class, all third-class, or mixed matter, and, if all one publication, give the name and date of it. In addition to the above, the date, place, exact time of receipt, and train by which received, should be given. In all cases the tag on a missent pouch or sack must be forwarded with the report to the Superintendent of Railway Mail Service for the division. Each letter or paper missent to a route or railway post-office must be plainly stamped "Missent," and the postmark of the route or railway post-office also stamped plainly thereon. This also applies particularly to registered mail.

SEC. 32. In emptying a pouch or sack great care must be taken that no mail is left therein; and to be certain of this it must be looked into in each case, in addition to thoroughly shaking it.

SEC. 33. Any mutilation of property furnished for the use and convenience of the employés of the service is strictly prohibited.

SEC. 34. Employés must, immediately previous to starting out upon each run, invariably examine all order-books or orders left for their guidance, and make at the time a record of all changes in routes or post-offices for their information, and similar notes should be taken upon arrival.

SEC. 35. Mail matter must under no consideration be carried outside of the regular mail bags, except publication matter designed and marked for outside delivery, and then only while in charge of an employé.

SEC. 36. Any employé designated to take charge of a line or route must be respected and obeyed implicitly.

SEC. 37. Ignorance of the foregoing instructions will not be considered an excuse for the violation of the same, and the violation thereof will be considered a sufficient cause for immediate removal.

THEO. N. VAIL,

General Superintendent Railway Mail Service.

Approved:

THOS. J. BRADY,

Second Assistant Postmaster-General.

EXHIBIT B.—*Papers relative to the case of Charles R. Brayton, postmaster at Providence, R. I.*

Report of Special Agents W. H. Bigelow and Charles Field on charges against the postmaster at Providence, R. I. Nos. 2222 and 2137.

CHARLES FIELD,

Special Agent Post-Office Department, Boston, Mass.

OFFICE OF SPECIAL AGENT POST-OFFICE DEPARTMENT,

ROOM 37 P. O. BUILDING,

Boston, April 16, 1878.

SIR: We have the honor to return case Nos. 2222 and 2137 C, and to inform you that, as directed, we have visited Providence, R. I., and conferred with the parties making the enclosed affidavit; also with many of the signers to the enclosed petition relating to the charges preferred against Gen. Charles R. Brayton, postmaster of Providence.

Previous to our visit we notified the parties signing the affidavits of the time we should be present, and asked of them to meet with us for consultation as to how they would suggest the investigation should be made. On our arrival we met Mr. A. W. Clark, who represented the parties to the affidavits, and as one of the signers to the petition he claimed to represent in part that also. In conference with him (Clark) we found that the signers of the petition had no knowledge of the allegations, except in a few cases; and that, as stated to us by him, we found upon personal inquiry that the petition had been circulated for signatures among prominent parties, who signed upon representations being made to them that if an investigation could be had and parties authorized to summon witnesses to testify under oath, all of the charges preferred in the affidavits could be proven. We informed Mr. Clark that we had no such power; that only the courts and House of Representatives had authority in such case; that we should be compelled to obtain evidence by personal inquiry, and that we should proceed to visit the parties that had signed the petition and get such facts from them as they were knowing to as being covered by the affidavits, and if he would give us

the names of the parties outside of the petition that were knowing to the facts alleged we would be pleased to call on them also. Mr. Clark then informed us that unless we could summon witnesses and place them under oath, the whole investigation would prove a farce, as it was impossible to get at the facts or to have the witnesses present unless we could compel them to attend and testify under oath; if this was not done the result could be reached that would cover the charges. We then informed him that the charges preferred in the affidavits were in such positive terms that it did seem possible to us that we could find a large number of the citizens that would be ready and willing to testify to the truth if they were not sworn, if the statement as made in the affidavits and in his letter to the committee United States Congress of February 2, 1878, in which he stated that General Brayton is a common drunkard of the very lowest kind; and, further, that the request for investigation is in behalf of thousands of the citizens of Rhode Island; that we did believe that it must be possible to find at least a number to substantiate the allegations; and that we believed it was due to Mr. Brayton, as well as ourselves, that we make the inquiry, and that we should avail ourselves of this mode of investigation. Mr. Clark then wished that we would send notices to such persons as he would give us the names of, requesting them to call upon us, these being other than those that we might think best to call upon at their places of business, and get from them such testimony as they might give relating to the case.

We then called upon Gen. Brayton and informed him of the suggestion that had been made to us by Mr. Clark. Gen. Brayton informed us that he was willing we should take any course that would best inform us as to all of the facts in the case; that he would like to have an open and free investigation, and would like to be present in person or with counsel and confront the witnesses; that as we had no power to summon witnesses to testify under oath, he would make no objection to the plan submitted if we would furnish him with copies of the statements made by the parties called and those visited, so that he could rebut or answer in writing, and for us to accord him the same privileges granted to Mr. Clark, of calling upon parties as desired by him, he would cheerfully accept the same. With this agreement accepted by both Mr. Clark and Gen. Brayton, we commenced the investigation.

We then prepared a form of notice to be sent to such persons as Mr. Clark suggested. (copy of notice and names furnished enclosed, marked "A"). Of the seventeen persons notified but seven appeared before us. Their testimony in each separate case is enclosed, marked "B." We then asked for a list of names of parties, that we might call upon outside of the petitioners' parties notified or signers to the affidavits. We were furnished with ten names, and we found six of the number, the other four being out of the city. Copies of their names and the statements made by them is enclosed marked "C."

After devoting to Mr. Clark three days in which to bring in his witnesses, he at the end of that time informed us that he would not trouble us further.

We then submitted all of the testimony to Gen. Brayton, as agreed upon. He asked for a little time to review the same and to prepare his rebuttal. In the mean time he desired us to make inquiry of any and all of the business men of Providence, and of patrons of the office, as well as the petitioners for the investigation, and get all of the testimony that we could, as he wished for us to be informed in the matter in all of its bearings. We then called upon nineteen of the parties whose names appear on the petition. Of this number, we only found nine outside of those persons who signed the affidavits. All of the nine that we found stated to us that they knew nothing of the charges, only as represented to them by the party presenting the petition. The statement of these parties is enclosed, marked "D."

We found by the statement of the petitioners that what was told to us by Mr. Clark in the beginning, that the parties signing the enclosed petition signed the same, calling for the investigation, without personal knowledge as to the charges that were covered by the affidavits, was true. We then made a general call upon a large number of the business men of Providence, all patrons of the office. The statement of fourteen of them is enclosed, marked "E."

Among the petitioners we found but four persons that testified to having seen Mr. Brayton intoxicated. These were Messrs. Clark, Richardson, and Dawley, being the persons that had made the affidavit that was enclosed with the petition and sent to Washington, and Mr. Osmond Cook, one of the signers, whose testimony is enclosed. We also found that eighteen of the persons who signed the petition could not be found in Providence, being residents of other places, or their names not appearing in the Providence Directory. Mr. W. Stone, one of the persons whose name appears, may have never signed the petition.

In making this investigation and inquiry outside of the parties that had signed the affidavits and the petition, we found the testimony from all of whom we made inquiry, which is covered by a very large number, to be universally in favor of General Brayton, and none of this large number had ever seen him intoxicated, and so expressed themselves to us.

So far as relates to the dissipation of his clerks, we find that a Mr. Richard Jarvis

a clerk at the office, at times has indulged in intoxicating liquors, and has, although not often, been compelled to leave his work on that account. But from diligent inquiries made by us, no harm has been done to the service. He has not, for the last six months, indulged in ardent spirits, and we are of the opinion that if he continues to conduct himself properly, as he is a most excellent clerk, he should not be disturbed from his position.

You will find enclosed affidavits handed us by Mr. Brayton in rebuttal of the affidavits sent with the petition to Congress; also affidavits covering the testimony given before us by Mr. A. S. Arnold and Osmund Cook.

From all of the facts obtained by us in this investigation, we found that nine-tenths of all the persons visited by us, and from whom inquiry was made, never have seen Mr. Brayton intoxicated, and they believe that he makes an efficient postmaster, and that the duties are well performed by him, and that it would hardly seem possible that Mr. Brayton, holding so responsible a position as postmaster of Providence, a city of ninety thousand inhabitants, that if the statements as sworn to in the enclosed affidavits were truthful, but what we should have been able to have found a very large number of reliable persons that would have been knowing to the charges and willing to testify.

After a thorough and patient investigation, covering six days of time and making inquiry of a large number of the people of Providence and patrons of the office outside of the written testimony submitted as to the habits and efficiency of General Brayton as postmaster, we are satisfied that the charges made in the affidavit, that General Brayton is a common drunkard and inefficient as postmaster, are not proven.

Very respectfully,

W. H. BIGELOW,
CHARLES FIELD,

Special Agents Post-Office Department.

To DAVID B. PARKER,

Chief Special Agent Post-Office Department, Washington, D. C.

[Endorsement:] Respectfully referred to the honorable First Assistant Postmaster-General.

DAVID B. PARKER,
Chief Special Agent.

APRIL 18th, 1878.

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 18, 1878.

SIR: The House of Representatives, on the 14th instant, agreed to the following resolution reported from the "Committee on Reform in the Civil Service," viz:

"Your Committee on Reform in the Civil Service, to which was referred the petition of J. H. Kendrick and sixty-seven other citizens of Providence, R. I., asking for immediate investigation of charges against Charles R. Brayton, postmaster of said city, having had the same under consideration, would respectfully report:

"That said petition charges said Brayton with being frequently indecently intoxicated while on duty in the said post-office and elsewhere in public places, and also with being guilty of retaining in his employ in said post-office, clerks who are frequently intoxicated while on duty, and that said Brayton encourages them in the using of intoxicating liquors.

"Your committee is of the opinion that this matter is one of departmental discipline and not one proper for Congressional investigation. Should Congress attempt to investigate every charge which may be brought before it by affidavits or by petitions, it might be overrun by such matters. It is the duty of the department of the post-office to examine into such matters and to see that its servants properly perform their duties.

"It may at any time be the right of the House to investigate the department itself. This petition does not charge that the Post-Office Department has failed or refused to look into the matter, nor that said Brayton has failed to perform his official duties.

"Your committee would respectfully recommend that this petition and the affidavits accompanying it be referred to the Postmaster-General, and that the committee be discharged from further consideration thereof."

In compliance with the provisions of the foregoing report I have the honor to transmit herewith the petition and affidavits accompanying it.

I am, very respectfully, your obedient servant,

GEO. M. ADAMS,
Clerk House of Representatives,
By GREEN ADAMS,
Chief Clerk.

Hon. D. M. KEY,
Postmaster-General.

[Indorsement.]

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, February 12, 1878.

Respectfully referred to David B. Parker, esq., chief special agent, with direction to place the charges in the hands of a discreet special agent for as full and careful an investigation as their importance seems to require.

JAS. N. TYNER,
First Assistant Postmaster-General.

POST-OFFICE DEPARTMENT,
DIVISION OF MAIL DEPREDACTIONS
OFFICE OF CHIEF SPECIAL AGENT,
Washington, D. C., February 1st, 1878.

WM. H. BIGELOW,
Special Agent Post-Office Department, Augusta, Me. :

SIR: Inclosed you will find petition of J. H. Kendrick and sixty-seven other citizens of Providence, R. I., accompanied by four affidavits charging Charles R. Brayton, postmaster, with being a common drunkard, &c.

These are the papers which were presented to Congress and referred to the Committee on Civil Service Reform. You will find also the report of said committee, which was adopted by the House, and the papers returned to the department.

The First Assistant Postmaster-General directs that the case be investigated. You will please associate with you Special Agent Chas. Field, and after giving the case as thorough an investigation as possible, report the result to me, returning the papers.

Very respectfully,

DAVID B. PARKER,
Chief Special Agent Post-Office Department.

Petition of J. H. Kendrick and sixty-seven other citizens of Providence, R. I., asking for investigation of charges against Charles R. Brayton, Postmaster of said city.

February 6, 1878. Referred to Committee on Reform in the Civil Service.

To the honorable House of Representatives of the United States :

The undersigned, citizens of the city of Providence and State of Rhode Island, respectfully represent that there are charges on file in the hands of President Hayes and Postmaster-General Key against Mr. Charles R. Brayton, the postmaster of the said city of Providence, accusing the said postmaster of being frequently indecently intoxicated while on duty in the said post-office and elsewhere in public places, and also accusing said Postmaster Brayton of being guilty of retaining in his employ in said post-office clerks who are frequently intoxicated while on duty, and that said Postmaster Brayton encourages said clerks in said practices by asking them to indulge in drinking intoxicating liquors with him while on duty, and at other times. And as the special agent of the Post-Office Department has been sent to Providence at various times to investigate said charges against said postmaster, but has failed to obtain full and necessary evidence of the facts because he had no power to compel the attendance of witnesses, we therefore pray that a committee empowered to send for persons and papers and to administer oaths be sent by your honorable body to investigate said charges, believing that a full and impartial knowledge of the facts will lead to a satisfactory remedy of the evils complained of; and, as in duty bound, we ever pray.

J. H. Kendrick.	R. S. Hamilton, jr.	Geo. Amsden.	Wm. W. Shannon.
J. A. Raze.	J. E. Crandall.	E. P. Butts.	J. W. Richardson.
Samuel D. Clark, jr.	S. A. A. Hemenway.	G. A. Winchester.	F. B. Winchester.
John H. Crowell.	Chas. F. Barney.	A. M. Warshauer &	Wm. A. Richardson.
A. B. Martin.	Charles L. Kenyon.	Co.	John Brown.
Charles A. Brigham.	Wm. Capron.	Charles Snow.	Geo. F. Boyden.
O. W. Freese.	E. G. Billings.	John C. Peckham.	Thos. F. Peirce.
John E. Kendrick.	A. B. Rice.	Chas. W. Bowen.	W. Stone.
Geo. H. Freese.	J. B. Paine.	A. K. Manchester.	Geo. B. Earle.
Charles C. Henrys.	S. A. Winchester.	J. N. Shearman.	Edward R. Dawley.
G. F. Thornton.	R. G. Place.	Chas. C. Newhall.	J. B. Wilcox.
Allen Hawkes.	Christopher G. Wil-	J. R. Graham.	James Phillips.
Osmond Cook.	cox.	Hiram W. Abbott.	William J. Phillips.
Oliver E. Bigelow.	John T. Arnold.	W. E. Herton.	Richard Greene.
J. G. Parkhurst.	Louis Greene.	F. Sumner.	John T. Wilcox.
John Kendrick.	F. W. Reynolds.	E. Kingman.	Stephen A. Aplin.
P. M. Stone.	Wilson D. Wilcox.	Edwin S. Riss.	
Geo. W. Davis.	A. W. Clark.	A. J. Sanborn.	

[Indorsement.]

PROVIDENCE, R. I., POST-OFFICE,
C. R. BRAYTON, P. M.,
_____, 187—.

Analysis of petitioners.

Whole number of same.....	67
Not residents of city of Providence	14
Relatives of Richardson, discharged post-office employé	8
Relatives and business connections of Aaron W. Clark, a discharged post-office official.....	18
Names not in Providence city directory	4
Of opposite politics	5
	— 49
	18

Of remaining 18 many have expressed the feeling that they did not understand its effect, and wished to withdraw their names.

Of the whole number but 27 are tax-payers. The petition was circulated entirely by two discharged post-office employés.

Respectfully submitted.

C. R. BRAYTON, *Postmaster.*

Testimony of W. A. Richardson, formerly clerk in the Providence Post-office.

One Saturday night about the middle of September, saw two kegs or barrels of beer, also baskets and dishes brought to the office and remained there over night; was taken away the next morning (Sunday).

Is a common occurrence to see Brayton drunk.

Spring of 1877 Brayton and three gentlemen (one named Nat. Grant) passed through the office drunk.

Affidavit of William A. Richardson in the case of Charles R. Brayton.

I, William A. Richardson, of the city of Providence and State of Rhode Island, being duly sworn and under oath, depose and say:

That I have seen Charles R. Brayton, the postmaster of the said city, frequently in the post-office of said city greatly under the influence of *intoxicating liquors*. That upon one occasion the said *Charles R. Brayton with other persons* came to the carriers' department of said post-office, the said *Charles R. Brayton* and the said *other persons* being in a state of *gross intoxication*. That the said carriers' department was in my charge, and that the said Charles R. Brayton did introduce the said other persons to me as from another city, whereas one or more of said persons were well known to me as residents of the said city of Providence, and none of the said persons were connected with the post-office of the said city.

That on another occasion *Charles R. Brayton, indecently intoxicated, very talkative*, and to all appearances *unable to walk without assistance*, was supported through the post-office with considerable urging by a person unconnected with the said post-office.

That upon numerous other occasions Charles R. Brayton has appeared in the post-office of said city so much intoxicated that he staggered and struck against the iron pillars that supported the floors above; this was of so common occurrence as to be commented upon by the employés whenever he made his appearance.

I have known of intoxicating liquors being in the said Charles R. Brayton's private office, and have been asked to drink of them by an employé, the said employé stating the same to be *brandy*, he having drank of it.

I have known of the only drinking cup in the office being found in, and taken from, Charles R. Brayton's private office, the said cup being so impregnated with *liquor* as to taste for some time, and so much so that employés using the said cup remarked it and that in not very complimentary language as regards the said postmaster.

That the said Charles R. Brayton has, and does now employ clerks in the Providence post-office that have been in the habit of using *intoxicating liquors*, and the said clerks have appeared in the said post-office in an *intoxicated* condition upon numerous occasions and unable to perform the usual duties.

WILLIAM A. RICHARDSON.

STATE OF RHODE ISLAND, &c., *Providence, &c.* :

Subscribed and sworn to before me on this 21st day of January, 1878.

G. B. BARROWS,
Notary Public.

[Indorsement.]

The statements of Mr. Richardson are wholly, totally, and maliciously false. He was taken in the office from his carrier's route because of indecent exposure of person, for which he was arrested—tolerated his drunken brother as carrier, who recorded his time as returning twenty minutes before he started—has publicly made his boasts that he would have the postmaster removed—has violated the official secrecy of the post-office by exposing my efforts to secure a criminal, thereby obtaining a signature to his petition to Congress—was discharged for incompetency and neglect of duty, and did not discover the drunken character of the postmaster and his employes until he was removed, although he had a "shining light" before him constantly in the person of his own brother.

It will also be observed that his statements refer to times long before his discharge.

I have not deemed it necessary to put in the testimony of post-office employes as to falsity of his statements, but any of them know it, and, as you are aware, I offered to produce them before you, but Clark declined to have them.

Respectfully,

C. R. BRAYTON.

Testimony of A. W. Clark, formerly route agent between Providence and Worcester.

States that Brayton is a habitual drunkard. Has been drunk once a month in the office. Asked me to drink brandy, and because I refused said to Bigelow that I was the first damn postal clerk that ever refused. Have seen clerks in the office frequently drunk. Have often made up the mail myself and left the registered packages in the office, as the clerk was drunk and not able to attend to his business.

Affidavit of Aaron W. Clark in the case of Chas. R. Brayton.

I, Aaron W. Clark, of the city of Providence and State of Rhode Island, being duly sworn, on my oath depose and say :

That for ten years past I have been employed by the government as a mail-route agent on the Providence and Worcester Railroad, and that during that time I have frequently transacted business with Charles R. Brayton, the present postmaster at Providence, R. I.; that during the time the said Charles R. Brayton has been postmaster at Providence, I have seen him at various times under the influence of liquor while on duty in the post-office, and that on several of these occasions he, the said postmaster, has invited me out to drink with him, and that because of my declining his invitation he informed a prominent government official of the Post-Office Department that I was "the first damned postal clerk he ever invited out to drink that would not go"; that the said Charles R. Brayton has knowingly employed clerks in the post-office that were "habitual drunkards," who would frequently be on duty too much intoxicated to properly prepare the mails for closing, and on which occasions I have been obliged to tie up the letter mail, or it would have been left and delayed; that on or about the first of October, 1877, charges were preferred by me to the Postmaster-General that "Charles R. Brayton, postmaster at Providence, R. I., was a common drunkard," and that he "knowingly employed clerks in the post-office that were also habitual drunkards," and when a committee is appointed properly empowered to investigate these charges they can be fully substantiated; that in proof of these statements, I will say that I have in my possession an affidavit showing that on Sunday evening, November 25th, 1877, Charles R. Brayton appeared at a first-class and quiet family hotel in the city of Providence grossly intoxicated, when he made himself particularly offensive to the inmates of the house by his loud and boisterous conversation; that on this occasion he brought with him a bottle of liquor and seemed much enraged when the three special agents of the Post-Office Department, R. W. Gurley (superintendent of the free delivery), Samuel Smith, and George H. Bigelow, who were stopping at the house, declined to accept of his invitation to drink with him; that these special agents were a "government commission," and on a tour of investigation of the post-offices in the New England States, and these post-office commissioners felt compelled to apologize to the landlord for such conduct

in a high government official ; that while in this intoxicated condition, the said Charles R. Brayton retired into the ladies' parlor and, to the disgust of those present, *insisted on opening a bottle of wine* and treating any who would partake thereof; that I also have an affidavit showing that on or about the 27th of September, 1877, at evening, when the post-office in the city of Providence was being threatened with fire, and the mail-matter and valuables removed from the post-office, that the postmaster was several miles away from his post of duty, and in a *grossly intoxicated condition*. These are a few of the many instances whereby it can be proved that Charles R. Brayton is a "common drunkard," both in and out of the post-office.

A. W. CLARK,
Mail-Route Agent from Providence to Worcester.

STATE OF RHODE ISLAND, &c., Providence, &c :

Subscribed and sworn to before me this twenty-first day of January, 1878.

G. B. BARROWS,
Notary Public.

Charges against Charles R. Brayton, postmaster at Providence, R. I.

PROVIDENCE, R. I., February 9, 1878.

To the Chairman of the Honorable Committee on Civil Service Reform, Washington., D. C :

SIR : As the memorial of citizens of Rhode Island praying that the charges against Charles R. Brayton, the postmaster at Providence, for drunkenness, be properly investigated has been referred to the Committee on Civil Service Reform, and as I was one of the affiants making affidavit supporting the petition, and as I preferred charges to the Postmaster-General against Postmaster Brayton for being a "common drunkard," I will now state that the Providence postmaster and post-office ought to be investigated for the good of the general public, as irregularities of a very serious nature exist in connection therewith. There is a *very general complaint* that mail matter passing through the Providence post-office never reaches its destination. Clerks are now employed in the office that are habitual drunkards, who make a *practice of getting intoxicated while on duty*. The postmaster himself still persists in frequenting the post-office *while under the influence of liquor*. A complaint was made by me, as mail-route agent to the Postmaster-General several months since, to the effect that Postmaster Brayton had in his employ a man who was *guilty of making a key to fit the mail locks on the letter boxes in the streets of Providence*. This can be *easily proven and the key produced*. This complaint now stands at the Post Office Department, and the man who is not authorized to have a mail key to the street letter-boxes (or any other mail key) is allowed to go about the city and open the letter boxes at will. This can, as stated above, be easily worked up, and should be investigated, for a man that will deliberately make a mail key, makes it for a purpose. Can easily prove that on a certain Saturday evening, late in the fall, kegs of beer or ale were stored in the post-office by the postmaster, and taken out on Sunday and removed down the river, where the postmaster gave a "clam bake" to his employes, when a *general spree ensued*. We can show that on the 5th day of June last (in the evening), Postmaster Brayton had a *general spree in his private office, when 25 bottles of wine were drunk*. In short, we can prove to any committee empowered to send for persons and papers, and with power to compel the attendance of witnesses, that the Providence post-office is conducted in a *very loose and disgraceful* manner, and that the postmaster is a common drunkard of the *very lowest stamp*. In conclusion, I most respectfully request, in behalf of thousands of citizens of Rhode Island, that the charges made to the President and Postmaster-General be investigated, and thereby secure a better state of affairs to the community of Providence and vicinity.

I have the honor to be, very respectfully, your obedient servant,

A. W. CLARK,
Providence, R. I.

Affidavit of H. F. Roberts showing A. W. Clark to be a liar.

Hamlet F. Roberts, of Waterbury, Conn., deposes and says that he is and has been a route-agent running into the Providence, R. I., post-office during and prior to the time that Charles R. Brayton has been postmaster; that he leaves at about the same hour in the a. m. as one Aaron W. Clark used to, returning a few minutes after said Clark did in the evening; that his means of knowing the conduct and habits of the postmaster and post-office employes at said Providence are equally as good as those of said Clark, and that he never saw the postmaster at said Providence or any of his

employés intoxicated, or under the influence of liquor either in the office or out; that he is not employed or under charge of said postmaster, and makes this statement without fear, favor, partiality, or the hope of reward.

HAMLET F. ROBERTS.

PROVIDENCE, S. C.

Subscribed and sworn to before me this twelfth day of April, 1878.

HENRY R. DAVIS,
Justice of the Peace.

Testimony of E. R. Dawley, one of the parties signing the petition and also the party making one of the affidavits.

I wish to make the following statement in addition to the inclosed affidavit made by me about one year ago; the date I do not recollect. General Brayton purchased a case of wine of William B. Blanding, druggist, and the wine was sent to the post-office, and in the evening General Brayton, with a party of friends, met at the office, where the wine was drank by them, and I wish you to call on Mr. Blanding for the truth of the statement.

Testimony of William B. Blanding, druggist, Providence.

About one year ago sold a case of wine to Mr. Brayton. Did not send to the post-office; think it was sent to a club-room; don't recollect particularly about it, it was so long ago; am positive it was not sent to the post-office; never saw Brayton intoxicated; thinks he makes a good postmaster.

Affidavit in the case of Charles R. Brayton.

I, Edward R. Dawley, of the city of Providence, and State of Rhode Island, on oath depose and say that I have seen Mr. Charles R. Brayton, the postmaster of said city of Providence, indecently intoxicated at numerous and various times, in public places, during the year 1877, and conducting himself at said times in a boisterous, offensive, and disgraceful manner, and I have seen the said Charles R. Brayton staggering through the public streets around the post-office and into the post-office apartments, and have also seen the said Charles R. Brayton riding in the public streets of the said city of Providence so intoxicated as to be unable to sit upright in the carriage in which he was riding; and I believe that the retention of a man of such notoriously disgraceful habits in charge of the important and extensive interests of the Providence post-office is a great detriment to the efficiency of the service of said post-office; all of which facts can be fully and thoroughly proven before any board of Federal officials properly empowered to send for persons and papers, and to compel the attendance of witnesses.

EDWARD R. DAWLEY,
Chairman of the Eighth Ward Republican City Committee.

Sworn and subscribed to before me this 21st day of January, A. D. 1878.

G. B. BARROWS,
Notary Public.

[Indorsement.]

The within is decidedly cool for a man who, within a few months, had to be loaded into a hack, in the rear of the post-office, so drunk that he could not stand or sit up, and was led on board a steamer at Fox Point so drunk that he was with difficulty kept on the gang-plank. This man, after defeating his party before the people for two successive years, turned traitor to it in the third year, for which he was summarily removed from chairmanship of the Republican City Committee of Providence, R. I., and was at the last election repudiated by his own ward. If he will state dates and places, I will give this cowardly villain an opportunity to prove his statements in a court of law, where he will need no intervention of Congress.

Respectfully submitted.

C. R. BRAYTON.

PROVIDENCE, R. I., January 25, 1878.

DAVID M. KEY, Esq.,
*Postmaster-General,
 Washington, D. C. :*

SIR: I have to report that Richard Jackson, a clerk in the Providence post-office, *was intoxicated while on duty* on the 24th of January, 1878, and *had to be led out of the office*. This clerk makes a practice of getting intoxicated every few days, and is the clerk who made the *principal affidavit* against me, and swore to that which *was entirely false*, which, with other *false affidavits*, was accepted and used as a means to cause the removal of Route Agent Clark.

Very respectfully,

A. W. CLARK,
Route Agent, Providence, R. I.

PROVIDENCE, R. I., January 25, 1878.

THOMAS P. CHENEY, Esq.,
Superintendent Railway Mail Service :

SIR: I have to report that *Richard Jackson*, a clerk in the Providence post-office, was *intoxicated while on duty in the post-office*, on the 24th of January, 1878, and *had to be led out of the post-office*. This is the clerk who made the principal affidavit against me and *swore to a lie*. Pretty reliable (!) testimony to remove an agent on, as was that from newsboys, water-boys, and bootblacks.

Very respectfully,

A. W. CLARK,
Route Agent, Providence and Worcester Railroad.

Can prove the above about Jackson by route agents.

[Indorsement.]

RAILWAY-MAIL SERVICE,
 OFFICE SUPERINTENDENT OF FIRST DIVISION,
Boston, Mass., January 26, 1878.

Respectfully referred to Theo. N. Vail, esq., general superintendent railway-mail service, Washington, D. C.

THOS. P. CHENEY,
Superintendent.
 Per STAHL.

Statement from Mr. Roberts showing that post-office clerk was too much intoxicated to tie up letter-mail, &c.

PROVIDENCE, R. I., October 11, 1877.

H. F. ROBERTS, Esq.,
Route Agent Providence to Waterbury :

MY DEAR SIR: Can you tell me about what time it was that we tied up our letter-mail in the post-office on the morning that Richard was too intoxicated to do it. Was it in June or July should you think? Were you running on the day that Richard could not find his key to the regular letter drawer? Please reply and greatly oblige,

Very truly, yours,

A. W. CLARK,
Route Agent, Providence and Worcester.

FRIEND CLARK: I do not remember the precise time of Richard's behavior; should have said at first thought it was when Case was away, but upon thinking of it, believe it was before Mr. Case went on to the distribution. So I am in the fog about the time; it was not me that was running the morning he could not find the key.

Yours,

ROBERTS.

Mr. CLARK: Upon looking over the records, I find that it was the morning of the 16th of June that that event took place, as that was Saturday; the next week was mine off, and when I returned Mr. Case was on the distribution.

Yours, hastily,

H. F. R.

Statement of Archie W. Kennedy, mail messenger, that he had seen the postmaster intoxicated, &c.

PROVIDENCE, October 16, 1877.

I hereby certify that I have seen Charles R. Brayton, postmaster at Providence, in his office, when, in my opinion, he was under the influence of liquor.

ARCHIE W. KENNEDY,
Head Messenger.

Affidavit of Archie W. Kennedy, mail messenger. Has seen Charles W. Brayton intoxicated, &c.

PROVIDENCE, R. I., December 1, 1877.

This is to certify that I have repeatedly seen Charles R. Brayton, postmaster at Providence, under the influence of liquor while in the post-office.

ARCHIBALD W. KENNEDY,
Chief Messenger from Post-office to the Depot.

PROVIDENCE, sc :

Subscribed and sworn to this 1st day of December, 1877, in Providence, before me.
G. B. BARROWS,
Notary Public.

Rebuttal of A. W. Kennedy as to postmaster's being intoxicated in the office.

Archibald W. Kennedy, of Providence, R. I., the identical person whom Aaron W. Clark swears to be a reliable witness, being duly sworn, on his oath saith that he was led into signing an untrue statement against Charles R. Brayton by one Aaron W. Clark, a discharged route agent; that on reflection and recalling all the time said Brayton has been postmaster, he now swears that never at any time, by day or night, either when on duty or off, did he ever see Charles R. Brayton under the influence of liquor at all, either in the post-office or out; that he makes this statement without fear, favor, partiality, or the hope of reward, and with a full knowledge of its contents.

ARCHIBALD W. KENNEDY.

PROVIDENCE, sc :

In Providence, in said State, on this 8th day of April, 1878, then personally appeared the within-named affiant, and on having the above declaration read over and explained to him by me and to his full understanding, subscribed to the same and made solemn oath that it was wholly and strictly true.

[SEAL.]

WALTER R. STINELL,
Notary Public.

Affidavit by A. Kennedy, messenger. Has seen Post-office Clerk Richard Jackson under the influence of liquor while on duty, and Kennedy's rebuttal.

PROVIDENCE, R. I., December 1, 1877.

This is to certify that I have seen Richard Jackson, clerk in post-office, so intoxicated that he was unable to tie up his letter mail, when I have done it for him.

ARCHIBALD W. KENNEDY.

PROVIDENCE, sc :

Subscribed and sworn to in Providence this first day of December, 1877, before me.
G. B. BARROWS,
Notary Public.

The above was prepared for my signature by one Aaron W. Clark, a discharged route agent, and signed without a knowledge of its contents. The statement about Jackson being intoxicated is false and I hereby correct the same.

ARCHIBALD W. KENNEDY.

PROVIDENCE, *sc* :

Subscribed and sworn to before me this eighth day of April, 1878.

[SEAL.]

WALTER R. STINELL,
Notary Public.

(A.)

*Copy of notice sent at request of A. W. Clark.*PERRIN HOUSE, PROVIDENCE, R. I.,
April 3, 1878.

DEAR SIR: You are hereby requested to call at room No. 42, Perrin House, to-morrow at 10 a. m. on special business.

W. H. BIGELOW,
CHARLES FIELD,
*Special Agents Post-Office Department.**Names of parties notified at request of Mr. A. W. Clark. Those checked called; all others did not.*

- | | |
|------------------------|------------------------------------|
| 1. Osman Cook.* | 11. George Paine. |
| 2. I. P. Collins.* | 12. Archibald Kennedy. |
| 3. Fred. H. Comstock.* | 13. S. W. Razez. |
| 4. Stephen A. Apliu. | 14. M. D. Pains. |
| 5. John Middleton. | 15. Chas. W. Green.* |
| 6. James McKenna. | 16. W. F. Reynolds. |
| 7. A. S. Arnold.* | 17. W. A. Austin,* |
| 8. E. G. Billings. | Perrin House. |
| 9. Raymond G. Place. | 18. John G. Massey, |
| 10. Samuel Benchley. | Deputy city collector, Providence. |

(B.)

Testimony of I. P. Collins.

Am a street-car conductor. Live at 341, Pine street. Have known General Brayton by sight for about a year and a half. Have frequently seen him pass to and from his residence in the street cars. On Sunday p. m. in August last he was in my car on the way to his residence; he was what I call intoxicated. He sat nearly the whole way with his head hung down; don't think he spoke to any one. When he got out at the street-crossing at his residence it was with extreme difficulty that he walked straight. Receive my mail by carrier. Have not been to the post-office for three years. Never heard any complaint against him. Have often heard that he was a good postmaster. A gentleman who is a prominent business man said this a. m. to me that he was the best postmaster we had had for 20 years.

PROVIDENCE, *April 13, 1878.*

The undersigned respectfully represents that on reflection and consultation with those who are better acquainted with General Brayton's disposition and characteristics, he is satisfied that said Brayton was not intoxicated, as he stated to special agents Field and Bigelow.

ISAAC P. COLLINS.

This is the Collins, the horse-car conductor.

C. R. BRAYTON,
*Postmaster.**Testimony of John G. Massie, deputy city collector.*

Was present at a lager beer opening; some 900 people there. Saw Brayton there; called out to me in a loud tone "How are you?" Don't think he was intoxicated. Con-

sider him a good postmaster and business man; never any complaint against him; never knew of his being intoxicated. Have been with him many times; never knew of his being intoxicated at any time. He might have felt good; no doubt he did.

Testimony of Fred. H. Comstock.

Applied for a position in the post-office; did not get one. Consider the reputation of the postmaster good. No man has done any better. Never signed any paper of any kind against him; believe the postmaster to be energetic in all his duties. This is not my signature on the petition.

Testimony of Charles W. Green, salesman for J. B. Barnaby & Co., clothiers.

Think Mr. Brayton makes a good postmaster. Never saw him intoxicated. Have met with him often. Believe that he has the confidence of the patrons of the office.

Testimony of A. S. Arnold, formerly clerk in Providence post-office.

Was discharged four years ago coming August. Saw Brayton beastly intoxicated on election night, November, 1876, at the "House of Lords"; there was others present. Have been told within about a year that the postmaster had a demijohn in his office; don't know personally about this. Mr. Jackson, a clerk in the office, gets on a spree once in a while, but believe him honest and capable. Brayton's reputation as postmaster is good.

Affidavit of Thomas C. Hidden controverting one A. S. Arnold.

Thomas C. Hidden, of Providence, in county of Providence and State of Rhode Island, being duly sworn, deposes and says that he is night clerk in the Providence, R. I., post-office; that he was in company with one A. Sheffield Arnold, a discharged employé of the Providence post-office, at the House of Lords in said city on election night, November, 1876. That he was in the presence of said Arnold during the whole time that said Brayton was, and knows of his own personal knowledge that the statement of said Arnold, before Special Agents Bigelow and Field, that said Brayton was at that time beastly intoxicated is wholly false. That said Brayton was on duty at the post-office the following morning as early as 8.30, and gave no indication of having been intoxicated the preceding evening. That he makes this statement without fear, favor, prejudice, or the hope of reward.

THOMAS C. HIDDEN.

Subscribed and sworn to this 9th day of April, A. D. 1878, before me,

Z. O. SLOCUM,
Notary Public.

Affidavits of Thomas Aldrich, W. S. Livermore, James S. Brown, C. H. Randall, controverting Osmon Cook's statement.

Testimony of Osmon Cook.

Work in Providence, in Kendrick's employ, as an engineer; live out six miles; on the night of the fire, 27th of September, 1877, saw Brayton at a house of ill-fame at Norwood Station, seven miles from Providence; team standing at door; house kept by Thomas Aldrich, jr.; asked Mrs. Aldrich where the fire was; she said it was near the post-office in Providence; saw Mr. Brayton and another man there drinking with three ladies; Brayton was staggering drunk, and used obscene language. I went out on the piazza, looked through the blinds, saw Brayton with his hand under a woman's clothes, and looking them over; he decided that the old woman was the best; this was about 8½ p. m.; don't know anything about the postmaster's reputation, but should think by reading the Providence Journal that he was a good postmaster.

Thomas Aldrich, of Warwick, in the county of Kent and State of Rhode Island, being duly sworn, on his oath deposes and says: that he is the Aldrich referred to by one Osmon Cook, in his statement before Special Agents Field and Bigelow, of the Post-Office Department; that he keeps a house of entertainment on the Pawtuxet Road, so-called, about seven miles from the city of Providence in said State; that C. R. Brayton stopped at his house not to exceed twenty minutes on evening of September 27, 1877; that he was accompanied only by a gentleman friend; that the statements of said Osmon Cook, "that he, the said Aldrich, keeps a house of ill-fame," "that said Brayton was staggering drunk," "that said Brayton used indecent or obscene language," that said Brayton had conversation with or had his hands on, or about any woman's person at that or any other time at his house, are wholly, totally, and maliciously false, and that said Cook was not at my house during any of the time when said Brayton was; that the location of the fire referred to was not known at my place at the time said Brayton called, and that said Brayton hurried on expressing the fear that it might be near his office and left my house as early as 8.30 p. m., and manifested no signs of being under the influence of liquor at all, much less being in the condition stated by said Cook; that he makes this statement without fear, favor, prejudice, or hope of reward.

THOMAS ALDRICH.

KENT COUNTY:

In Warwick, in said county and State, on this eighth day of April, 1878, then the above-named affiant personally appeared before me and made oath that the foregoing statement by him signed was true.

WALTER R. STINELL,
Notary Public.

Walter R. Livermore, of Warwick, in the county of Kent and State of Rhode Island, being duly sworn, deposes and says that he was hostler at Thomas Aldrich's public house on night of September 27, 1877. That General Brayton, of Providence, stopped there a little after 8 o'clock p. m., having with him a gentleman friend only. That said Brayton was not intoxicated or under the influence of liquor, and left by 8.30 p. m., saying he was anxious about a fire plainly seen from that house, but whose location was unknown there then.

That said Brayton used no indecent or obscene language, and was not in company with any woman or women during his stop, and that Osmond Cook was not in or about the place while said Brayton was there, and had no means of knowing what he has stated to the special agents of the Post-Office Department.

That he makes this statement without fear, favor, prejudice, or the hope of reward.

WALTER R. LIVERMORE.

KENT, *sc.*:

Sworn and subscribed to before me this eighth day of April, 1878.

WALTER R. STINELL,
Notary Public.

I, James P. Brown, of Warwick, in county of Kent and State of Rhode Island being duly sworn, on his oath saith that he was at the house of Thomas Aldrich, in said Warwick, on night of September 27, 1877, when C. R. Brayton, of Providence, R. I., called. That said Brayton remained not to exceed 20 minutes, was accompanied only by a gentleman friend; that said Brayton was not under the influence of liquor at all; was not in the company of any woman or women, was quiet and gentlemanly, and gave an excuse for his haste that he was anxious as to the fire, the location of which was not known at that time. That said Brayton left as early as 8.30 p. m., and that one Osmond Cook was not in or about the place while said Brayton was. That he makes this statement without fear, favor, prejudice, or the hope of reward.

JAMES S. BROWN.

KENT, *sc.*:

Sworn and subscribed to before me this eighth day of April, 1878.

WALTER R. STINELL,
Notary Public.

Charles H. Randall, of Valley Falls, in the county of Providence and State of Rhode Island, being duly sworn, deposes and says that he is well acquainted with Charles R. Brayton, postmaster at Providence, R. I. That on the night of the fire in the vicinity of the post-office, September 27th, 1877, he saw said Brayton on Weyboset street, near the post-office, as early as 9.30 p. m., and that said Brayton gave no evidence of being under the influence of liquor, and was in my opinion competent to and was attending to the interests confided to his charge.

CHAS. H. RANDALL.

PROVIDENCE, *sc.* :

Sworn and subscribed before me this ninth day of April, 1878.

WALTER R. STINELL,
Notary Public.

Testimony of David B. Hall, clerk of the "Perrin House," Providence.

Was present on the Sunday evening, November 25. At that time Mr. Brayton came to the home in company with a gentleman. He was not intoxicated, neither was he noisy. Have had no talk with him about this night.

Testimony of W. A. Austin, one of the proprietors of the Perrin House, Providence.

I have called at the request of your written notice, and as I know what you desire of me, which is to ask questions relating to General Brayton, I hope you will excuse me from making any statement at this time, as I have given to Mr. Clark an affidavit, and must ask to be excused from making any further statement.

Affidavit of Wm. A. Austin, showing Postmaster Brayton to be a drunkard of the lowest order.

I, William A. Austin, of the city of Providence, on oath depose and say that I am one of the proprietors of the Perrin House, a hotel on Washington street in said city of Providence. I know General Charles R. Brayton, postmaster of Providence. On Sunday evening, November 25, 1877, General Brayton came to the Perrin House in a state of offensive intoxication, and asked to see the gentlemen who were at that time stopping at our house, and were special agents or commissioners of the Post-Office Department, engaged in the inspection of the post-office in Providence. He had been expected by these gentlemen in the morning under a previous engagement, but did not call until evening. I will say that Mr. Brayton was thoroughly and utterly drunk, and made himself a perfect nuisance in the house while he was there. He boisterously and loudly called for the commissioners. I finally got him into a room and tried to persuade him to be more quiet, when he talked about old Puritan notions and Puritanical strictness, &c. Some of the commissioners then came in and Mr. Brayton produced a bottle of wine or liquor from under his coat, and wanted the party to drink. Mr. Brayton, although urged to the contrary intruded himself into the presence of Messrs. Gurley, Smith, and Bigelow, the said commissioners, into their room, and was so noisy and boisterous while there that they, the commissioners, were greatly annoyed and offended by his presence, and expressed themselves to me that they felt this affair to be most disgraceful, and an insult to the commissioners and to the house, for which they were in no manner responsible, and wanted me to understand from them, individually, that they did not countenance or sympathize with such actions in any man, and that especially was it reprehensible in a government official to conduct himself in such a manner. Furthermore, the guests at the house were greatly annoyed by this boisterous bawling of Mr. Brayton in the main hall of the hotel, in which my office is located, especially by his loud reply to my answer to a question of his, when, turning about on the stairs on leaving, he shouted loudly, "You lie; you lie." Such a demonstration in a quiet family hotel on Sunday evening, when many of my guests were in the sitting rooms adjacent to the office, and their families in their rooms, could not be otherwise than offensive in the highest degree to all our boarders. Many inquiries were made of me that evening and the next day as to the cause of the disturbance, so unusual was it.

W. A. AUSTIN.

STATE OF RHODE ISLAND, &c., *Providence, sc.* :

In Providence, this 4th day of December, 1877, then William A. Austin personally appeared before me and made oath that the foregoing affidavit by him subscribed was true.

G. B. BARROWS,
Notary Public.

Affidavits of Nathl. Grant, B. L. Allen, T. W. Whitford, D. B. Hall, T. J. Tilley, and Chas. Martin, showing Wm. A. Austin to be an untruthful person, and contradicting all the facts stated herein by W. A. Austin.

Affidavits of Thomas J. Tilley and Charles Martin.

STATE OF RHODE ISLAND, &C.,
Kent, sc :

In Greenwich, this 8th day of April, A. D. 1878, there personally appeared Thomas J. Tilley, esq., sheriff of the county of Kent, and Charles Martin, deputy sheriff of the county of Kent, and made oath that they personally know William A. Austin, of Providence, in said State, and have so known him for years, and that they have heard his reputation for truth and veracity called in question at different times, and that the general speech of people in Kent County is that his reputation for truth and veracity is bad.

THOMAS J. TILLEY.
CHAS. H. MARTIN.

STATE OF RHODE ISLAND, &C.,
Kent, sc :

In East Greenwich, this 8th day of April, A. D. 1878. Subscribed and sworn to before me.

E. R. POTTER,
Notary Public.

KENT, sc :

EAST GREENWICH,
April 8, 1878.

I, David B. Hall, of Providence, in the county of Providence, State of Rhode Island, being duly sworn, depose and say, that I was clerk at the Perrin House for ten months last past in said city of Providence. That General Brayton, postmaster at said Providence, came to said house on the afternoon of Sunday, November 25, 1877, with Mr. Nathaniel Grant, and inquired for a Mr. Bigelow; that said Brayton and Grant were at once shown into the parlor, where Mr. Bigelow soon joined them, as did Mr. William A. Austin; that said Brayton and Grant were not nor either of them under influence of liquor, but demeaned themselves in a quiet, orderly manner, and remained but a short time, and were only present in the afternoon and not in the evening at all; that the peace and quietness of the house was not disturbed by either said Brayton or Grant, and no complaint was made to me by any of the guests that they were so disturbed. That I make this statement without fear, favor, partiality, or hope of reward.

DAVID B. HALL.

Subscribed and sworn to before me this 9th day of April, 1878.

THOMAS J. TILLEY,
Justice of the Peace.

THOMAS W. WHITFORD, of Providence, R. I., being duly sworn, deposes and says that he is a livery stable keeper in said Providence; that he is a Democrat in politics, and well acquainted with Charles R. Brayton; that he furnished a carriage for said Brayton and Mr. Nathaniel Grant to go from Thayer's Hotel to the Perrin House on Sunday p. m., November 25, 1877; that he saw them start, and knows that neither of them was drunk or intoxicated at all; that he saw said Brayton and Grant on their return from said Perrin House, and that they were not under the influence of liquor, and conducted themselves in a quiet, orderly, and gentlemanly manner; that he subsequently that day saw said Brayton at Thayer's Hotel, and the whole time till he left it, and that said Brayton was not intoxicated or on a spree at said Thayer's Hotel that day. That he makes this statement without fear, favor, partiality, or the hope of reward.

T. W. WHITFORD.

BENJAMIN L. ALLEN, of Providence, R. I., being duly sworn, deposes and says that he is in the employ of T. W. Whitford & Co., livery stable keepers; that he drove C. R. Brayton and Nathaniel Grant from Thayer's Hotel to Perrin House and back on Sunday afternoon, November 25, 1877; that neither of them were under the influence of liquor when they went or when they returned, but they were quiet and orderly; that said Brayton had no bottle of wine or other liquor about him, but Mr. Nathaniel

Grant did and took the same into the Perrin House; that subsequently, the same day, saw said Brayton at Thayer's Hotel, and the whole time until he left for good, and knows that said Brayton was not on a spree nor intoxicated at all that day. That he makes this statement without fear, favor, partiality, or the hope of reward.

BENJ. L. ALLEN.

PROVIDENCE, *sc*:

Sworn and subscribed before me this 9th day of April, 1878.

WALTER R. STINELL,
Notary Public.

OFFICE OF NATHANIEL GRANT & CO.,
MANUFACTURERS OF JEWELRY,
111 Broad Street, Providence, R. I., ———, 187 .

C. A. WILLIAMS, *Agent*,
Providence.

F. H. BLISS, *Agent*, *New York.*

NATHANIEL GRANT, of Providence, in the county of Providence, and State of Rhode Island, being duly sworn, deposes and says that he is a member of the firm of Nathaniel Grant & Co., manufacturing jewelers; that their factory is located in Providence, R. I., and their sales-rooms in New York; that he is a Democrat in politics, and is well acquainted with Charles R. Brayton, postmaster at said Providence; that at his request said Brayton accompanied him to the Perrin House in said Providence on Sunday afternoon, November 25, 1877, to call on Mr. George H. Bigelow, whom he had met at Burlington, Vt., and to whom he was under obligations for courtesies shown; that supposing no liquors were sold at the Perrin House, he, the said Grant, purchased a bottle of wine, and procuring a carriage, called at said Perrin House on the afternoon aforesaid; that inquiry was made for said Bigelow, and said Grant and Brayton were shown into the parlor, where they were soon joined by said Bigelow and one W. A. Austin, the alleged proprietor of said Perrin House; that he, the said Grant, asked the said Austin for glasses, which said Austin procured, and remained in the room and partook of the wine he, the said Grant, had brought with him; that said Brayton was not drunk or intoxicated, but conducted himself in a gentlemanly manner, and after the interview was over retired from said house with him. That he makes this statement without fear, favor, partiality, or hope of reward.

NATH'L GRANT.

PROVIDENCE, *sc*:

Sworn and subscribed to before me this 12th day of April, 1878, and I certify that above affiant is a man in good standing in the community and worthy of belief in any statement he makes.

HENRY R. DAVIS,
Justice of the Peace.

C.

List of names furnished by Mr. Clark and Dawley, to be called upon.

- | | |
|------------------------|-----------------------|
| 1. Frank Stearns. | 6. Ervin T. Case. |
| 2. Nathaniel Grant. | 7. Henry J. Spooner. |
| 3. Harold Rogers. | 8. Stephen A. Applin. |
| 4. Charles Reynolds. | 9. John E. Burroughs. |
| 5. James W. Blackwood. | 10. Joseph R. Murphy. |

Testimony of Mr. Frank Stearns, late proprietor of the Adams House, Providence, R. I.

Have personally known General Brayton for some years; he has occasionally called at the house; never saw him intoxicated; think he makes a good postmaster; never heard of any complaint against him, and I believe he is well liked as postmaster.

Testimony of Henry J. Spooner, attorney.

Think Mr. Brayton makes a good postmaster. As to his drinking, I have nothing to say; don't think he will deny it; never have seen him when I thought he was not capable to attend to his official duties. Think the patrons of the office are well satisfied with the mail facilities of the office.

Testimony of James W. Blackwood, attorney, Providence.

Have personally known Mr. Brayton for many years; never saw him intoxicated; thinks he makes a good postmaster; is the best we have had for the last sixteen years in my opinion.

Testimony of Stephen A. Applin, inspector of coal at Providence.

Have seen Mr. Brayton drunk; have seen him in the middle of the day around the post-office and in a carriage in the same condition.

Testimony of John E. Burroughs, inspector of customs, office in post-office building.

Think Mr. Brayton makes a good postmaster; never heard any complaint; never saw him intoxicated; never saw any liquors in the post-office.

Testimony of Joseph R. Murphy, clerk at the chop and ale house called the "House of Lords."

Was present at the house on the night of the last Presidential election. Mr. Brayton and a party of gentlemen were present and had supper together. Mr. Brayton was not intoxicated; have never seen him in that condition. He is not a frequent visitor at the house.

D.

Testimony of Pardon W. Stone and George W. Davis.

Signed the petition calling for the investigation. Have no complaint personally to make against Mr. Brayton; think he makes a good postmaster; never saw him intoxicated; signed the petition thinking that if the reports made to me were not true no harm would come to the postmaster, and if true should be investigated.

Testimony of F. W. Reynolds, cotton broker, Providence.

Signed the petition for investigation; never saw Mr. Brayton intoxicated around the post-office.

One Sunday last September Brayton, with a party, had a clam-bake on my brother's place down the river; they had a rough time of it. I should think they all felt happy.

Testimony of Dr. Eugene Kingman.

Signed the petition for the investigation for Mr. Richardson, as he informed me that it was only calling for an investigation, and as I thought no harm could come to Mr. Brayton if the allegation was not proven; know nothing against Mr. Brayton personally; never saw him intoxicated; believe him to be a good postmaster; never heard any complaint in relation to him from the many families that I visit as a physician.

Testimony of John Hamilton, manufacturer of jewelry, Providence.

My son, John Hamilton, signed the petition for the investigation; he is now absent

from the city; believe it is shameful that there should be any charges preferred against Mr. Brayton, as he makes an excellent postmaster; never saw him intoxicated; is the best postmaster Providence ever had. Go on with the investigation, for I know that two-thirds of all the patrons of the office are for Mr. Brayton.

Testimony of W. Stone, agent of Adams Express Company.

It is not my signature on the petition for investigation; never signed the same. I think Mr. Brayton is the best postmaster that Providence has had for many years; never saw him intoxicated; believe that he gives entire satisfaction as postmaster to the people of Providence.

Testimony of Mr. John Kendrick and John E. Kendrick.

Both signed the petition for the investigation; have no charges to make against the postmaster; do not of their own personal knowledge know of Mr. Brayton being intoxicated; never saw him so; have no complaint against the management of the post-office; think Brayton a good postmaster.

Testimony of William W. Shannon, shoe manufacturer.

Signed the petition at the request of Mr. Richardson; would not have signed had I known that I was to be called upon, as I think Mr. Brayton makes a good postmaster; never saw Mr. Brayton intoxicated; receive my letters by carrier.

TESTIMONY OF THE CITIZENS OF PROVIDENCE, R. I., MARKED E.

E.

Testimony of H. F. Smith—cotton yarn machinery.

Was a boarder at the Aldrich House; was at the house Sunday evening, November 25. Mr. Brayton came to the house I should say about 5 p. m. A gentleman was with him; at the time I was in the gentlemen's parlor; talked with him some little time. The post-office commission was there at this time; Mr. Brayton called for some one of them. Their room was adjoining the parlor. Mr. Brayton was not intoxicated; remained in the parlor all of the time Mr. Brayton was in the house, and when he left he bid me good day. No noise was made that I heard. If Mr. Austin informed any one that Mr. Brayton was drunk, he says what is false. Mr. Brayton makes a good postmaster, and has been at all of the times I have been to the office on business attentive to his duties, and I hope there is no charges against him that will disturb him as postmaster, for I believe that seven-eighths of all the people doing business at the post-office are favorable to him.

Testimony of William T. King & Son, cotton brokers.

Both state that they believe Mr. Brayton makes an efficient postmaster; never saw him intoxicated; have often met him at the office, and believe him to be a most efficient officer.

Testimony of James Cogshall, United States marshal for Rhode Island.

My office is in the post-office building; meet with Mr. Brayton, the postmaster, often; never saw him intoxicated or at any time when I thought he had been drinking. If

there was any truth in the statements which I saw in papers relating to Mr. Brayton being intoxicated, I think I should have noticed it. Think he makes a good postmaster. Have never heard any complaints against him. Never saw any liquors in the post-office.

Testimony of B. W. Ham, cashier of the Providence National Bank.

Have personally known Mr. Brayton as postmaster, and from my personal knowledge believe he makes the best postmaster that we have had in Providence for many years. Have never seen him intoxicated; have always found him at the office ready and willing to answer all inquiries and to help us in our mail facilities; should regret if any charges should be found that would require a change in the postmaster.

Testimony of Thomas Randall, cotton broker.

Believe Mr. Brayton makes a good postmaster; have never heard any complaint against him as such. Never saw him intoxicated. Don't think that he will state to you that he don't occasionally take a drink. Believe it would be wrong to change the postmaster. Saw Mr. Brayton the night of the fire at and around the post-office. He was not intoxicated.

Testimony of W. D. Hillon, superintendent of the Providence and Worcester Railroad.

Think Mr. Brayton makes a good postmaster; think he is enthusiastic; no doubt he drinks occasionally; wish it was not so; never thought that his business was neglected; believe he is liked as postmaster by the patrons of the office.

Testimony of E. S. Jackson, late postmaster of Providence, R. I.

Have personally known General Brayton for many years. At the time when I resigned as postmaster, in 1874, he was appointed; in my opinion he makes an efficient officer; have not heard any complaints against him; never saw him intoxicated; meet with him often; saw by the papers that charges had been preferred; I believe he gives satisfaction as postmaster to the patrons of the office.

Testimony of Stewart Harris, broker.

Have never seen Mr. Brayton intoxicated; may be a prejudiced witness, as I have personally known Mr. Brayton from his youth; believe he makes an enthusiastic postmaster, and that he is the best we have had for years.

Testimony of A. W. Aldrich, of the firm of Waldron, Wightman & Co., and president of the Providence Board of Trade.

I believe Mr. Brayton to be a good and efficient postmaster, and that he gives satisfaction as such; never have seen him intoxicated; believe that he attends to his duties as postmaster well.

Testimony of Mr. George A. Leete, trustee.

My business with the post-office is large; have always found Mr. Brayton to be at his office, and at all times ready to give me any assistance required as postmaster; know that he is as good a postmaster as we have had in Providence for many years;

never heard of any complaint until I read the same in the newspapers; never saw him when I thought he had been drinking; believe the people and patrons of the office are favorable to Mr. Brayton.

Testimony of J. B. Barnaby, clothier.

Never saw Mr. Brayton intoxicated; think him capable and smart, and that if he would attend to post-office matters and let politics and outside matters alone, no fault could be found with him.

Testimony of Charles C. Van Zant, governor of Rhode Island.

May be a prejudiced witness. Believe Mr. Brayton makes a good postmaster. Never heard of any complaint until I saw it in the papers. Believe he gives entire satisfaction to the patrons of the office.

Testimony of Ex-Governor Howard, of Rhode Island.

Have personally known General Brayton for many years. Was one of the original men who recommended him for the post-office. You will find him to be an enthusiastic man, loud in his talk, good-hearted, and, so far as I know, makes a good postmaster. Never heard of any complaints until I read them in the papers. Do not think he will deny that he takes a glass occasionally, and I hope if he has gone beyond the bounds of propriety that this investigation will at least be of benefit to him. Think the patrons of the office are well served.

PROVIDENCE, R. I., POST-OFFICE,
(C. R. Brayton, postmaster.)
April 13, 1878.

Special Agents FIELD and BIGELOW:

GENTLEMEN: I return the papers submitted to me, with such affidavits in rebuttal as I have had time to gather. The petition to Congress is analyzed by me, in addition to affidavits furnished in rebuttal. I only desire to recall your attention to the evidence of parties on whom you called at my request, and have now nothing further to offer, unless you have other testimony not submitted to me. If you have, I leave it entirely with you to decide whether I would care to rebut it.

Mr. Jackson, whose intemperance is proven only at all by discharged employes at this office, and denied under oath by others equally competent to see, does sometimes get intoxicated; he has been a clerk here many years, is competent and honest, can and does take any place in the office when clerks are sick; his drinking at all is occasional; he has been years without—goes now months without. I feel it is not a settled habit with him. No harm has come to the public or the department by his drinking. If I let go of him, he will be a ruined man. He is employed as a spare clerk, and never alone on any duty. I trust the lying statements of Clark and Richardson will not be allowed to influence you unfavorably.

As to myself, I have asked friends whom I knew to take a glass of lager, or such other drinks as they chose. The public, who see me daily, attest how false the charge that I am a common drunkard, or habitually intoxicated; in fact, I have not tasted liquors but two days since last Thanksgiving, and my enemies are forced to admit that whatever I may have drank has not affected me in the discharge of my official duties. Mr. Roberts swears Clark is a liar. Mr. Bigelow knows he is, too, from the lies he swore to in his own case.

In conclusion, I call your attention to the fact that I have ever tried to have an open, speedy investigation, and trust that an early report may be made.

Very respectfully,

C. R. BRAYTON,
Postmaster.

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ERRATA.

Page 65, line 23, for Wright, read Whyte.
Page 131 is misprinted 311.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1880.—Ordered to be printed.

Mr. ROLLINS, from the Committee on Civil Service and Retrenchment, submitted the following upon the alleged violation of the laws of civil service in Rhode Island:

VIEWS OF THE MINORITY:

[To accompany bill S. 1366.]

The investigation into the affairs and conduct of the custom-house at Providence disclosed nothing to sustain the charges brought in the memorial, which alleges that sections 1754 and 1755 of the Revised Statutes have been violated in the removals and appointments in that department of the public service. In respect to section 1754 there was no testimony—not a particle—that it had been violated. On the contrary, there was abundant and conclusive testimony that it had not been violated; that in the changes made in the custom-house no person “honorably discharged from the military or naval service, by reason of wounds or sickness incurred in the line of duty,” had been removed, and that the application of no such person for appointment had been disregarded.

The question was put, in the case of each person removed, if he had been discharged from the military or naval service, in the language of the section, “by reason of wounds or sickness incurred in the line of duty,” and in each case the answer was in the negative. The collector testified that the only application of such person for appointment was granted.

Section 1755 is merely recommendatory to “banks, merchants, manufacturers, mechanics, farmers, and persons engaged in industrial pursuits, to give a preference to honorably discharged soldiers and sailors in the appointments to remunerative positions and employments.” It imposes no obligation and makes no recommendation, except by implication, upon the collectors of the customs and other officers of the government. Yet there was no testimony to show that this reasonable implication had been disregarded by the collector of the port of Providence. On the contrary, it appears in evidence that the only application coming within this description was promptly conceded.

The term of the collector of the customs for the port of Providence being about to expire, the President nominated another man for his successor, and the Senate confirmed the nomination. Soon after taking the place he made four removals, for reasons satisfactory to himself and to the Secretary of the Treasury, to whom the nominations were submitted, according to law, and by whom they were approved. Neither of the persons removed came under the designation of section 1754 of the Revised Statutes. One of those appointed did. There was contradictory testimony touching the fitness and qualifications of the persons removed,

but the fidelity and ability of those appointed in their places was proved beyond question.

The collector stated, under oath, that he made the changes for the good of the service. The collector is responsible for the character and conduct of the subordinates of his own appointment, and is left a reasonable discretion in the selection, under the supervision of the head of the department. He may have reasons for changes which he cannot formulate into charges against the persons removed. Congress has provided for this by law, and by vesting these appointments in the hands of the collector, with the approval of the Secretary, has relieved itself of the immediate control and responsibility of the matter. If in the case of every tide-waiter or inspector removed, an appeal lies from the collector and the Secretary of the Treasury to Congress, this body will have little time for the consideration of any other business. Something must be left to the discretion and judgment of the officers charged with the collection of the revenue. The testimony against the new appointees was mainly from the persons who had been discharged, and who testified with great force and directness to their own eminent capacity and qualifications. The greater part of the rest of it was inconsequential, irrelevant, and hearsay, and would have been rejected in any court of justice. The testimony of importers and others having business at the custom-house was uniformly creditable to the late collector and to the present one, each of whom was shown to be an efficient, faithful, and accomplished officer. The report of the majority speaks of the present collector as "aged." His age is 66. One of the witnesses speaks of Mr. Burroughs, one of the new appointees, as "Master" Burroughs, who "was in swaddling clothes" during the war. He is 28 years of age. If the space between infancy and old age is only the difference between 28 and 66, it leaves but a short space for the duties of manhood, and would disqualify many members of Congress from the positions which they occupy, to the satisfaction of their constituents, and with the respect of their associates. Nor would the Senate be obliged to go outside of its own chamber to find illustrations of the violation of section 1754 of the Revised Statutes. Of our own officers, a number of whom come under the designation of that section, "persons honorably discharged from the military and naval service, by reason of disability resulting from wounds or sickness incurred in the line of duty" have been discharged, and their places supplied, in repeated instances, by persons whose only military distinction has been won in the war of the rebellion, against the government and the Union of the States. It would be strange indeed if this body should rebuke a collector of the customs, on an unsupported charge of doing what it has itself notoriously done. The example of obedience to the laws may well come from those who enact them, and when they disregard them, their censure upon others, even when maintained by the facts, which is not the case in the instance before us, falls with feeble effect, and still feebler when they condemn others without evidence for what they have themselves done in the light of day. In the words of the memorialist on whose memorial the investigation was ordered, "when those who make the laws violate them; or fail to conform to their provisions, is there a remedy? If so, where is it to be found?"

The charge of nepotism made in the memorial was not only not sustained by a particle of evidence, but was clearly and positively disproved by the testimony.

A considerable amount of testimony was brought against the postmaster at Providence. It was almost wholly from subordinates whom he had discharged for cause, or who had been discharged by the depart

ment at Washington; and it is clear that they instigated this investigation. These charges had previously been formally presented to the Postmaster-General, who appointed two special agents to investigate them. These agents proceeded to Providence, remained there several days, and gave to the accusers full opportunity to substantiate the allegations, and reported a complete acquittal of the accused; and pronounced him, on the general testimony of the business men (many of whom they visited and inquired of), not only a good officer, but an uncommonly efficient one. This testimony was confirmed by the witnesses who were examined before the committee. This officer is no longer in the public service, having resigned in disgrace, but not from any reason stated or suspected before this investigation. If the department was deceived in him, the community was equally deceived; for he had the reputation of an excellent and efficient public officer.

It seems to us a waste of the time of the Senate to re-examine on the *ex-parte* testimony of discharged employes accusations that have been investigated and passed upon by the department to which the accused is directly responsible. In conclusion, we are of the opinion that the public service in the Providence custom-house is well administered; that the subordinate officers, satisfactory to the head of the department, are well qualified for their places, and efficient in the discharge of their duties; and that the result of the investigation discloses nothing to call for the further action of the Senate.

E. H. ROLLINS.
H. M. TELLER.
H. P. BALDWIN.



